

**City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
June 9, 2004**

Mayor David Dermer
Vice-Mayor Saul Gross
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

REGULAR AGENDA

R5 - Ordinances

- R5A An Ordinance Amending The City's Art In Public Places Legislation, As Codified In Chapter 82, Article VII, Divisions 1 Through 4, Sections 82-501 Through 82-612, Of The Code Of The City Miami Beach, Florida; Providing For Codification; Repealer; Severability; And An Effective Date. **10:15 a.m. Second Reading, Public Hearing** (Page 148)
(Tourism & Cultural Development)
(Continued from May 26, 2004)

R5 - Ordinances (Continued)

- R5B An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration"; By Amending Article VI Thereof, Entitled "Procurement"; By Amending Division 3, Entitled "Contract Procedures"; By Amending Section 2-369, Entitled "Award Of Contract"; Said Amendments Respectively: 1) Providing The City Manager With The Authority To Approve Purchases Of Commodities, Materials, Supplies Or Other Items On A Continuing Basis From Contracts Awarded By The U.S. Communities Government Purchasing Alliance; And 2) Providing That Prior To Approval Of Said Purchases For Commodities, Materials, Supplies Or Other Items On A Continuing Basis From The Entities, As Set Forth In Section 2-369, The City Manager Shall Prepare, Or Cause To Be Prepared, A Written Analysis Which Shall Include A Statement As To Why It Is In The City's Best Interest To Procure Commodities, Materials, Supplies, Or Other Items On A Continuing Basis Utilizing The Contracts From The Entities Set Forth In Section 2-369; Also Providing For Repealer, Severability, And An Effective Date. **10:30 a.m. Second Reading, Public Hearing** (Page 163)
(Procurement Department & City Attorney's Office)
(First Reading on May 26, 2004)
- R5C An Ordinance Amending Chapter 102, Article V, Of The Code Of The City Miami Beach, Florida, Entitled "Occupational License Tax," To Define Adjudicated Violation, To Define Habitual Conduct For Purposes Of Occupational License Denial And/Or Suspension Or Revocation, And Defining Habitual Conduct For Promoters Occupational License Denial And/Or Suspension Or Revocation And Providing For The City Manager's Designee To Undertake A Hearing In The Suspension Or Revocation Process And Providing For Factors To Be Considered In Determining The Length Of A License Suspension; Providing For Codification Repealer, Severability, And An Effective Date. **10:40 a.m. Second Reading, Public Hearing** (Page 176)
(City Manager's Office)
(First Reading on April 14, 2004)
- R5D An Ordinance Amending Chapter 62 Of The Miami Beach City Code Entitled "Human Relations"; By Amending Article II Thereof Entitled "Discrimination" By Amending Section 62-31 Entitled "Definitions" By Adding A Definition For "Gender" To Be Utilized In Article II; By Amending Section 62-32 Entitled "Purpose; Declaration Of Policy"; By Amending Section 62-88.1 Entitled "Discrimination In Public Services"; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading** (Page 181)
(Requested by Commissioner Luis R. Garcia, Jr.)

R6 - Commission Committee Reports

- R6A Verbal Report Of The Finance And Citywide Projects Committee Meeting Of June 1, 2004: 1) Discussion Regarding A Proposed Amendment Of Miami Beach Golf Club User Fees; 2) Discussion On Policy Issues Regarding How The City Deals With Land Rights, And How To Ensure The City Receives Fair Compensation For The Abandonment Of Easements; And 3) A Resolution Authorizing The Mayor And City Clerk To Approve An Increase To The Community Benefit Fund Surcharge On Tickets Sold At The Jackie Gleason Theater From \$1.00 To \$1.50, And To Reduce The Subsidy Percentage Paid From The Community Benefit Fund On Senior And Student Discounted Tickets From 80% To Approximately 71%. (Page 186)

R7 - Resolutions

- R7A A Resolution Amending Resolution No. 2002-24995 Which Established A Maximum Schedule Of User Rates For The Miami Beach Golf Club, To The Rates Delineated In Attachment "A" To This Resolution; Said Rates To Be Effective As Of October 1, 2004. (Page 189)
(Parks & Recreation)
- R7B A Resolution Accepting The Certification Of Default By The City Engineer, Pursuant To Article 8.8 (Entitled, "Annulment Of Contract") Of That Certain Contract Entered Into Between The City And Regosa Engineering, Inc. (Contractor), Pursuant To Request For Proposals No. 21-00/01, For Construction Of The Normandy Park Pool Facility (Project) (Contract); Further, Pursuant To Article 8.8 Of The Contract: (1) Taking The Prosecution Of The Work Out Of The Hands Of The Contractor; (2) Authorizing The Appropriation Or Use Of Any Or All Materials And Equipment On The (Project) Ground As May Be Suitable And Acceptable; And (3) Authorizing And Delegating To The City Manager Such Authority As Shall Be Necessary For Him To Enter Into An Agreement For The Completion Of Said Contract, According To The Terms And Provisions Thereof, Or Use Such Other Methods As In His Opinion Shall Deem Advisable For The Completion Of Said Contract In An Acceptable Manner; Further, In Order To Effectuate The Actions To Be Taken In Item (3) Above, Waiving By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager To Select, Negotiate, And Award Any And All Contracts, Purchase Orders, Change Orders And Other Documents, Including But Not Limited To An Amendment To The City's Existing Contract With The Corradino Group, Inc., The City's Architect/Engineer For The Project, To Provide For Such Additional Services As Necessary To Complete/Administer The Remaining Work On The Project; Provided Further That All Of The Aforestated Contracts, Purchase Orders, Change Orders, Amendments, And Other Documents Shall Be Substantially In Accordance With The Project And The Scope Of The Work Contemplated Within The Current Construction Contract With Contractor, And Shall Not Exceed The Current Amount Appropriated For The Project By The Mayor And City Commission, And Any Such Contracts, Purchase Orders, Change Orders, Amendments, And Other Documents That Exceed Said Appropriated Amount Shall Require The Approval Of The City Commission; Further Authorizing The City Manager Or His Designee To Invoke The Performance Bond Issued By St. Paul Guardian Insurance Company, As A Result Of Contractor's Default Under The Contract. (Page 198)
(Capital Improvement Projects)

R7 - Resolutions (Continued)

- R7C A Resolution Appropriating \$ 288,800 From Parking Enterprise Funds To Execute A Contract Change Order With RIC-MAN International, Inc. To Design And Install The New City Approved Poulsen Satellit Light Fixtures As Part Of The Washington Avenue Improvements - Phases 2, 4, And 5 (The Project). (Page 221)
(Capital Improvement Projects)
- R7D A Resolution Authorizing The Administration To Enter Into Negotiations, And If Successful, Further Authorizing Renewal With Humana, The City's Current Provider Of Group Medical Insurance For Employees, With A 4.44% Increase For The High HMO & High PPO And No Increase For The POS, Low HMO And Low PPO Plans, For A One-Year Period, Effective On October 1, 2004, For An Estimated Annual Amount Not To Exceed \$14,000,000, With The City's Option To Renew For One Additional Year If The Annual Combined Increase Is Less Than 5%; Authorizing The Administration To Renew With Compbenefits, The City's Current Group Dental Provider For Employees, For A One-Year Period, Effective On October 1, 2004, With No Premium Increase And An Estimated Annual Amount Not To Exceed \$600,000, With The City's Option To Renew For One Additional Year If The Annual Combined Increase Is Less Than 3%; Authorizing The Administration To Renew For The Year 2004-05 With Fringe Benefits Management Company To Administer The City's Flexible Spending Program And For Two Subsequent One Year Periods At The Same Per-Employee Monthly Administrative Fee Of \$4.50, As Provided In The City's Contract With Fringe Benefits Management Company Of October 1, 2003; Authorizing The Administration To Renew For The Year 2004-05 With The Comprehensive Companies, Inc. To Administer The City's Voluntary Benefits Program For Those Plans Offered To Employees At No Cost To The City, And For Subsequent Consecutive One Year Renewal Terms, Unless Otherwise Terminated As Provided In The City's Contract With The Comprehensive Companies, Inc. Of October 1, 2003. (Page 228)
(Human Resources)
- R7E A Resolution Approving A Settlement Regarding Liens On Real Property At 928 Pennsylvania Avenue Resulting From (Code Compliance Case No. 53720-PM/Special Master Case No. JC00000460), (Code Compliance Case No. ZV990361/Special Master Case No. JC990485), And (Code Compliance Case No. ZV00001428/Special Master Case No. JC0000459), Owned By Joy Pearlman Trustee, Providing That The Liens In The Amount Of \$305,728.30 Plus Interest Be Settled For The Amount Of \$30,908.25 (Page 239)
(Neighborhood Services)
- R7F A Resolution Authorizing \$592,239 In City Of Miami Beach Quality Of Life/Resort Tax Funding From Fiscal Year 2002/2003 (Less Five Percent For Administrative Charges To North Beach Development Corporation) For Improvements In The North Beach Community; And Reallocating \$7,268.83 In Prior Years' Quality Of Life Funding, In The Amounts Of \$6,444.74 From Fiscal Year 00/01; And \$91.38 From Fiscal Year 99/00; And \$732.71 From Fiscal Year 97/98; Providing For A Total Of \$599,508, As Recommended By The City Administration In Appendix A To This Resolution, For The Purpose Of Funding Tourism Oriented Projects In The North Beach Area. (Page 244)
(Tourism & Cultural Development)

R9 - New Business and Commission Requests

- R9A Board and Committee Appointments. (Page 254)
(City Clerk's Office)
- R9A1 Appointment Of Two (2) Citizens At-Large To The Board Of Adjustment. (Page 260)
(City Clerk's Office)
(Deferred from May 26, 2004)
- R9A2 Nominate Carl Linder To The Board Of Adjustment. (Page 262)
(Requested by Commissioner Luis R. Garcia, Jr.)
(Deferred from May 26, 2004)
- R9A3 Nominate Abraham Galbut To The Health Advisory Board. (Page 264)
(Requested by Commissioner Simon Cruz)
(Deferred from May 26, 2004)
- R9A4 Appointment Of One (1) Citizen To The Planning Board. (Page 266)
(City Clerk's Office)
- R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 268)
R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)
- R9C Discussion Regarding The Following Sister Cities Resolutions: (Page 270)
1. A Resolution Extending An Invitation To The City Of Nahariya, Israel, To Become A Sister City Of Miami Beach, Florida, Designating Mayor David Dermer As The City's Representative And Transmitting This Resolution To The Officials Of Nahariya, Israel.
 2. A Resolution Extending An Invitation To The City Of Fortaleza, Brazil, To Become A Sister City Of Miami Beach, Florida, Designating Mayor David Dermer As The City's Representative And Transmitting This Resolution To The Officials Of Fortaleza, Brazil.
 3. A Resolution Relating To Ramat Gan, Israel, Established As A Sister City On July 21, 1971 By Resolution No. 13322; Determining That The Purposes Of Said Resolution No Longer Exist; Terminating Said Relationship And Repealing Resolution No. 13322.
(Requested by Mayor David Dermer)
(Deferred from May 26, 2004)
- R9D Discussion Regarding Status Of The Examination Of Concurrency Policies In The City Of Miami Beach. (Page 278)
(Requested by Commissioner Richard Steinberg)
(Deferred from May 26, 2004)

R9 - New Business and Commission Requests (Continued)

- R9E The Committee Of The Whole Will Meet During The Lunch Break In The City Manager's Large Conference Room Regarding The Fiscal Year 2004/05 Proposed Operating Budget Request For The Office Of Mayor And City Commission. (Page 282)
(Budget & Performance Improvement)
- R9F Discussion Regarding The Current Status Of The Island Gardens Project Proposed On Watson Island. (Page 284)
(City Manager's Office)
- R9G Discussion Regarding The Four City Of Miami Beach Appointments To The Bay Link Advisory Committee. (Page 330)
(City Manager's Office)

R10 - City Attorney Reports

- R10A Notice Of Closed Executive Session. (Page 333)
Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On June 9, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Case:

City Of Miami Beach V. Miami-Dade County, Micky Biss And USA Express, Inc. 11th Jud. Circuit Court, Appellate Division, Case No. 03-682 AP

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorneys Debora J. Turner And Gary Held.

- R10B Notice Of Closed Executive Session. (Page 335)
Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On June 9, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, For Discussions Relative To Communications Workers Of America (CWA).
(City Manager's Office)

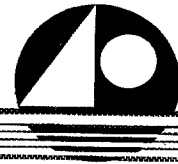
Reports and Informational Items

- A City Attorney's Status Report. (Page 338)
(City Attorney's Office)
- B Parking Status Report. (Page 340)
(Parking Department)
- C Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2. (Page 378)
(Capital Improvement Projects)
- D Status Report On The Rehabilitation Project Of Fire Station No. 4. (Page 380)
(Capital Improvement Projects)
- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Page 382)
(Procurement)

End of Regular Agenda

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
<http://ci.miami-beach.fl.us>



OFFICE OF THE CITY CLERK

HOW A PERSON MAY APPEAR BEFORE THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA

THE REGULARLY SCHEDULED MEETINGS OF THE CITY COMMISSION ARE ESTABLISHED BY RESOLUTION. SCHEDULED MEETING DATES ARE AVAILABLE ON THE CITY'S WEBSITE, DISPLAYED ON CHANNEL 20, AND ARE AVAILABLE IN THE CITY CLERK'S OFFICE. COMMISSION MEETINGS COMMENCE AT 9:00 AM. GENERALLY THE CITY COMMISSION IS IN RECESS DURING THE MONTH OF AUGUST.

1. DR. STANLEY SUTNICK CITIZENS' FORUM will be held during the first Commission meeting each month. The Forum will be split into two (2) sessions, 1:30 p.m and 5:30 p.m. Approximately thirty (30) minutes will be allocated per session for each of the subjects to be considered, with individuals being limited to no more than three (3) minutes. No appointment or advance notification is needed in order to speak to the Commission during this forum.
2. Prior to every Commission meeting, an Agenda and backup material are published by the Administration. Copies of the Agenda may be obtained at the City Clerk's Office on the Monday prior to the Commission regular meeting. The complete Agenda, including all backup material, is available for inspection the Monday and Tuesday prior to the Commission meeting at the City Clerk's Office and at the following Miami Beach Branch Libraries: Main, North Shore, and South Shore. The information is also available on the City's website which is - <http://ci.miami-beach.fl.us>.
3. Any person requesting placement of an item on the Agenda must provide a written statement with his/her complete address and telephone number to the Office of the City Manager, 1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139, briefly outlining the subject matter of the proposed presentation. In order to determine whether or not the request can be handled administratively, an appointment may be scheduled to discuss the matter with a member of the City Manager's staff. "Requests for Agenda Consideration" will not be placed on the Agenda until after Administrative staff review. Such review will ensure that the issue is germane to the City's business and has been addressed in sufficient detail so that the City Commission may be fully apprised. Such written requests must be received in the City Manager's Office no later than noon on Tuesday of the week prior to the scheduled Commission meeting to allow time for processing and inclusion in the Agenda package. Presenters will be allowed sufficient time, within the discretion of the Mayor, to make their presentations and will be limited to those subjects included in their written requests.
4. Once an Agenda for a Commission Meeting is published, persons wishing to speak on items listed on the Agenda may call or come to City Hall, Office of the City Clerk, 1700 Convention Center Drive, telephone 673-7411, before 5:00 p.m. on the Tuesday prior to the Commission meeting and give their name, the Agenda item to be discussed, and if known, the Agenda item number.
5. All persons who have been listed by the City Clerk to speak on the Agenda item in which they are specifically interested, and persons granted permission by the Mayor, with the approval of the City Commission, will be allowed sufficient time, within the discretion of the Mayor, to present their views. When there are scheduled public hearings on an Agenda item, IT IS NOT necessary to register at the City Clerk's Office in advance of the meeting. All persons wishing to speak at a public hearing may do so and will be allowed sufficient time, within the discretion of the Mayor, to present their views.
6. If a person wishes to address the Commission on an emergency matter, which is not listed on the agenda, there will be a period of fifteen minutes total allocated at the commencement of the Commission Meeting at 9:00 a.m. when the Mayor calls for additions to, deletions from, or corrections to the Agenda. The decision as to whether or not the matter will be heard, and when it will be heard, is at the discretion of the Mayor and the City Commission. On the presentation of an emergency matter, the speaker's remarks must be concise and related to a specific item. Each speaker will be limited to three minutes.

CITY OF MIAMI BEACH

2004 CITY COMMISSION AND REDEVELOPMENT AGENCY MEETINGS

January 14 (Wednesday)

February 4 (Wednesday)

February 25 (Wednesday)

March 17 (Wednesday)

April 14 (Wednesday)

May 5 (Wednesday)

May 26 (Wednesday)

June 9 (Wednesday)

July 7 (Wednesday)

July 28 (Wednesday)

August City Commission in Recess – NO MEETINGS

September 8 (Wednesday)

October 13 (Wednesday)

November 10 (Wednesday)

December 8 (Wednesday)

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

Amendment to the Art in Public Places Ordinance to clarify the definition of terms for eligible construction projects for funding and appropriations permitted use of fund monies, and procedures for selection of works of art.

Issue:

Shall City Commission amend the Art in Public Places Ordinance to clarify the definition of terms for eligible projects for funding as well as the policy and procedures for appropriations, transfers and expenditures?

Item Summary/Recommendation:

The Administration recommends opening and continuing the public hearing until September 8, 2004 to complete the development of a maintenance schedule as requested on first reading. The Administration is also calculating and estimating contributions to the AiPP fund from new projects that otherwise would not have made a contribution to the fund.

On May 5, 2004, the ordinance amendment was reviewed and approved on first reading by the City Commission. The Administration was directed to complete the development of a maintenance schedule, as well as estimate the additional contributions to the AiPP fund from new capital projects that otherwise would not have made a contribution to the fund, prior to the public hearing & final reading of the Ordinance amendment. After consulting Miami-Dade County Art in Public Places Office and other experts in the field, Staff has determined it to be in the best interest of the City and its public art collection to develop an accurate maintenance and conservation schedule.

The development of an accurate maintenance and conservation schedule requires the knowledge and expertise of a Conservator to inspect and report on each work of art in the City's collection, including the present condition of the artwork and recommendations regarding needed maintenance and repair. The Administration has contacted numerous Conservators to procure their services for the development of the City's Public Art Maintenance and Conservation Plan. Unfortunately, the City was very late in contacting conservators and is unable to secure their services at this time.

Advisory Board Recommendation:

Approved by the Art in Public Places Committee on September 16, 2003 and April 20, 2004, and the Community Affairs Committee on April 29, 2004. Approved on First Reading by the City Commission on May 5, 2004

Financial Information:

Source of Funds:		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

Finance Dept.

City Clerk's Office Legislative Tracking:

Max A. Sklar

Sign-Offs:

Department Director	Assistant City Manager	City Manager

AGENDA ITEM

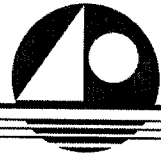
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DATE

6-9-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 9, 2004

From: Jorge M. Gonzalez
City Manager

SECOND READING PUBLIC HEARING

Subject: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY'S ART IN PUBLIC PLACES LEGISLATION, AS CODIFIED IN CHAPTER 82, ARTICLE VII, DIVISIONS 1 THROUGH 4, SECTIONS 82-501 THROUGH 82-612, OF THE CODE OF THE CITY MIAMI BEACH, FLORIDA; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

The Administration recommends opening and continuing the public hearing until September 8, 2004 to complete the development of a maintenance schedule as requested on first reading. The Administration is also calculating and estimating contributions to the AiPP fund from new projects that otherwise would not have made a contribution to the fund.

BACKGROUND

The Community Affairs Committee met on three occasions since the fall of 2002, to discuss the Art in Public Places (AiPP) Ordinance and Masterplan. The Administration was asked to calculate the financial impact if the definition of "public facilities" was expanded to include facilities such as landscaping in parks, pool structures and golf courses. Similarly, the Administration was asked to provide a balance of the AiPP fund, expenses and projections to date. The reconciliation report and master plan and guidelines were reviewed by the Art in Public Places Committee on September 16, 2003, by the Community Affairs Committee on December 16, 2003, and were approved by the City Commission on May 5, 2004.

Generally, amendments to the AiPP Ordinance include the following:

- Expanding required appropriations to the AIPP fund to include city construction projects where the City is a party to a development agreement and/or a ground lease;
- Revise and clarify the respective definitions of "hard costs" and "city construction project" for purposes of applying required AIPP financial contributions;
- Exemptions of certain types of city construction projects from the AIPP Ordinance;

- Clarifying the powers and duties of the AIPP Committee, and making the Committee structure uniform with the City's agencies, boards, and committees legislation; and
- Providing that the acquisition, removal, and/or relocation of works of art be in accordance with the criteria set forth with the Art in Public Places Master Plan, as shall be adopted by resolution of the City Commission.

The new definition for City construction project includes any construction contract which the City is a party for the new construction of, renovations requiring compliance with the Florida Building Code fifty percent (50%) rule, or, renovation having a value equal to or greater than \$500,000, or addition to any city-owned property. This also includes construction projects that are developed by persons or entities other than the city, but which include the participation of the city as a party to a development agreement or ground lease. The previous definition included any capital project for new city owned building construction or for additions to existing city owned building, paid for wholly or in part by the city. The intent is to prospectively apply this ordinance to all capital projects that meet this new definition.

Construction costs are defined as "hard costs" which consist of the cost of all labor and include the cost of equipment and materials to be used in a City construction project. Land acquisition costs, architect and engineering fees, other professional consultant fees, work, environmental remediation costs, and costs associated with subsequent changes in construction contracts are no longer included. Adjustments will be made to the original appropriation only for construction costs associated with city requested changes in scope requiring additional appropriations in excess of \$200,000 in the aggregate.

In an effort to strengthen the Art in Public Places program and secure sufficient funding for a long-term Art in Public Places program, the Committee recommends expanding the definition of "public facilities" to include more projects to be eligible under the AIPP Ordinance. Examples of new projects that would fall under the revised definition, but are not currently considered under the existing definition are parks, pools, and recreational trails.

In lieu of clarification of eligibility per project, the Legal Department has recommended that the following City construction projects not be subject to the provisions of the Ordinance:

- a. Water and sewer related facilities, including but not limited to pump stations, water mains, water lines, sewer lines, treatment facilities.
- b. Storm drainage infrastructure.
- c. Road construction or bridges.
- d. Streetscape beautification projects, which include but are not limited to one or all of the following elements: resurfacing, new curbs, gutters, pavers, sidewalks, landscaping, lighting, bus shelters, bus benches, street furniture and signage.
- e. City construction projects undertaken to replace, reconstruct, or repair an existing public building or facility damaged or destroyed by a sudden unexpected turn of events, such as an act of God, riot, fire, flood, accident, or other urgent circumstance.
- f. The construction, remodeling, repair or improvement to a public electric or gas utility system.

- g. When the City construction project is undertaken as repair or maintenance of an existing public facility and does not trigger the Florida Building Code fifty percent (50%) rule.

Amendments to the Ordinance also clarify the powers and duties of the AiPP Committee and make the Committee structure uniform with the City's agencies, boards and committee legislation. Under the proposed Ordinance the City Commission may also, by resolution, waive the required appropriation, reduce the appropriation amount, or determine a more appropriate site for works art, finding that such waiver is in the best interest of the City.

Finally, this proposed Ordinance provides for construction management to be handled by the City Manager's designee, which would likely be the CIP or Public Works departments. Appropriations for AiPP funds will continue to be awarded at the time of construction contract award for all applicable capital projects throughout the City.

In light of the emerging global image of Miami Beach as a tourism and cultural destination, and taking into consideration the overall cut backs in funding of the arts statewide, the Community Affairs Committee reviewed and approved the proposed Ordinance amendments which will serve to support the enhancement of the image of Miami Beach as a world class tourist destination that supports the arts.

On May 5, 2004, the ordinance amendment was reviewed and approved on first reading by the City Commission. The Administration was directed to complete the development of a maintenance schedule, as well as estimate the additional contributions to the AiPP fund from new capital projects that otherwise would not have made a contribution to the fund, prior to the public hearing & final reading of the Ordinance amendment. After consulting Miami-Dade County Art in Public Places Office and other experts in the field, Staff has determined it to be in the best interest of the City and its public art collection to develop an accurate maintenance and conservation schedule.

The development of an accurate maintenance and conservation schedule requires the knowledge and expertise of a Conservator to inspect and report on each work of art in the City's collection, including the present condition of the artwork and recommendations regarding needed maintenance and repair. The Administration has contacted numerous Conservators to procure their services for the development of the City's Public Art Maintenance and Conservation Plan. The Administration has been unable to secure the services conservators, therefore it recommends opening and continuing the public hearing until September 8, 2004.

FISCAL IMPACT

The majority of amendments proposed seek to codify current practices, clarify definition and roles, and determine eligible construction projects. The 5 year incremental fiscal impact of the changes appear to be negligible at this time, since few new projects are currently in the City's Capital Improvements Projects that would otherwise not have made a contribution to the AiPP fund. New projects that otherwise would not have made a contribution to the AiPP fund are currently being reviewed to determine funding levels. Estimates of these new contributions will be provided at the Second Reading/Public Hearing.

CONCLUSION

The Administration recommends opening and continuing the public hearing until September 8, 2004 to complete the development of a maintenance schedule as requested on first reading. The Administration is also calculating and estimating contributions to the AiPP fund from new projects that otherwise would not have made a contribution to the fund.

JMG/CMC/MAS

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY'S ART IN PUBLIC PLACES LEGISLATION, AS CODIFIED IN CHAPTER 82, ARTICLE VII, DIVISIONS 1 THROUGH 4, SECTIONS 82-501 THROUGH 82-612, OF THE CODE OF THE CITY MIAMI BEACH, FLORIDA; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, following numerous discussions at the Community Affairs Committee, the Administration, in concert with the City's Art in Public Places Committee, has undertaken a comprehensive review of the City's Art in Public Places legislation, as codified in Chapter 82, Article VII, Divisions 1 through 4, Sections 82-501 through 82-612, of the Code of the City of Miami Beach, Florida (the AIPP Ordinance); and

WHEREAS, in the course of its review of the AIPP Ordinance, the Administration and the AIPP Committee have identified numerous proposed amendments, as set forth herein, which, in pertinent part, include the following:

- Expanding required appropriations to the AIPP Fund to include city construction projects where the City is a party to a development agreement and/or a ground lease; Revise and clarify the respective definitions of "hard costs" and "City construction project" for purposes of applying required AIPP financial contributions;
- Exemptions of certain types of City construction projects from the AIPP Ordinance;
- Clarifying the powers and duties of the AIPP Committee, and making the Committee structure uniform with the City's agencies, boards, and committees legislation;
- Providing that the acquisition, removal, and/or relocation of works of art be in accordance with the criteria set forth in the Art in Public Places Master Plan, as shall be adopted by resolution of the City Commission; and

WHEREAS, accordingly, the Administration and the Art in Public Places Committee would recommend approval of the foregoing amendments, as set forth herein, to the City's Art in Public Places Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1.

That Chapter 82, Article VII, Divisions 1 through 4, Sections 82-501 through 82-612, of this Code of the City of Miami Beach, Florida, is hereby amended as follows:

DIVISION 1. GENERALLY

Sec. 82-536. Intent of article.

It is the intent of this article to enhance the aesthetic environment of the city by including works of art on public property within the city and in city construction projects. The Bass Museum of Art shall be exempt from the provisions of this article.

(Ord. No. 95-2985, § 2(4A-1), 4-5-95)

Sec. 82-537. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Art in public places means works of art of exceptional quality executed on an appropriate scale and for general public access in public places, other than museums, which enrich and give diversion to the public environment.

Art in public places committee means the advisory committee appointed by the city commission to carry out the duties and functions set forth in this article.

City construction project means any construction contract to which the city is a party for the new construction of; renovations requiring compliance with Chapter 34 Section 3401.8 of the Florida Building Code fifty percent (50%) rule or, renovation having a value equal to or greater than \$500,000, or addition to any city-owned building, facility, or other city-owned property, including but not limited to, parks, pools, recreation trails and golf courses. The definition of city construction project shall also be deemed to include construction projects that are developed by persons or entities other than the city, but which require the participation of the city as a party to a development agreement or ground lease.

Construction cost means "hard costs" associated with construction of a city construction project, including architectural and engineering fees, and site work and contingency allowanees. Land acquisition costs, architect and engineering fees, environmental remediation costs, and costs associated with subsequent changes in construction contracts, except as provided in the proceeding sentence, are not included. An adjustment will be made to an the original allocation art in public places appropriation only for construction costs associated with city requested changes in scope requiring additional appropriations in excess of \$200,000 in the aggregate.

~~Construction project, city owned construction project means any capital project for new city owned building construction or for additions to existing city owned building, paid for wholly or in part by the city.~~

Professional advisory committee means a group of arts professionals selected by the arts in public places committee and confirmed by the city commission to recommend works of art or artists for one or more acquisitions. The committees ~~shall~~ may also contain up to two members of the design review board or historic preservation board, to be determined and selected by such boards, depending upon the location of the project for which the art is intended, and which board would have jurisdiction over the project.

Works of art means the application of skill and taste to production of tangible objects according to aesthetic principles, including but not limited to, paintings, sculptures, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs and drawings, or combinations thereof, and artist-designed public facilities, buildings, and/or public spaces and functional elements, either as integral parts of a larger project or as a separate entity.

The provisions of this article shall not apply to the new construction of, renovations, or additions to the following city construction projects:

- a. Water and sewer related facilities, such as pump stations, water mains, water lines, sewer lines, treatment facilities, etc.
- b. Storm drainage infrastructure.
- c. Road construction or bridges.
- d. Streetscape beautification projects, which include but are not limited to, one or all of the following elements: resurfacing, new curbs, gutters, pavers, sidewalks, landscaping, lighting, bus shelters, bus benches, street furniture and signage.
- e. City construction projects undertaken to replace, reconstruct, or repair an existing public building or facility damaged or destroyed by a sudden unexpected turn of events, such as an act of God, riot, fire, flood, accident, or other urgent circumstance.
- f. The construction, remodeling, repair or improvement to a public electric or gas utility system.
- g. Where the city construction project is undertaken as a repair or maintenance of an existing public facility.

(Ord. No. 95-2985, § 2(4A-2), 4-5-95; Ord. No. 2001-3333, § 1, 11-28-01)

Cross references: Definitions generally, § 1-2.

Secs. 82-538--82-560. Reserved.

DIVISION 2. ART IN PUBLIC PLACES COMMITTEE*

*Cross references: Boards, committees, commissions, § 2-61 et seq.

Sec. 82-561. Established.

- (a) An art in public places committee is hereby established to carry out the ~~functions~~ powers and duties set forth in section 82-562. The committee shall be composed of seven members appointed by a majority vote of the entire city commission. The members shall possess a high degree of competence in the evaluation of art history, architectural history, art, architecture, sculpture, painting, artistic structural design and other appropriate media for display or integration of art in public places.
- (b) The term of office for committee members shall be two years. Vacancies occurring before the expiration of a term shall be filled by the Mayor for the remainder of that term. ~~Members shall also be subject to automatic removal for excessive absence as provided by Resolution No. 92-20514.~~
- (c) ~~The committee shall follow the procedures set forth in Resolution No. 92-20514 for conduct~~

~~of committee meetings, election of officers and periodic reporting to the city commission.~~
(Ord. No. 95-2985, § 2(4A-6), 4-5-95; Ord. No. 96-3032, § 1(4A-6), 1-24-96)

Sec. 82-562. Powers and duties.

The art in public places committee shall have the following powers and duties:

- (1) To recommend to the city commission whether a particular proposed city construction project is an appropriate site for works of art and whether all or a part of the appropriation required by section 82-587 should be ~~waived~~ utilized at the site or, reduced or waived in its entirety or, placed, whether in its entirety or a portion thereof, in the art in public places fund for other acceptable uses.
 - (2) ~~To screen submissions and~~ To select ~~recommend to the city commission the selection of~~ existing works of art or to determine whether to ~~commission~~ recommend the selection of new works of art, and screen submissions therefore, for the fulfillment of the requirements of this article. ~~for art in public places within the city.~~
 - (3) To conduct contests and competitions in order to select works of art to be recommended for a particular site.
 - (4) To recommend a professional advisory committee to advise the committee and city commission regarding selection of particular works of art for a ~~project or site~~ city construction project.
 - (5) ~~To be responsible for managing the reproduction rights to each acquisition subject to policies established by the city commission.~~
 - (65) ~~To recommend and oversee the maintenance and insurance necessary to preserve and protect acquisitions.~~ To recommend to the city commission the maintenance and insurance necessary to preserve and protect works of art.
 - (76) To make a recommendation to the city commission regarding proposed projects that include works of art and to participate in the planning of such projects.
 - (87) To recommend legislation concerning public works of art in the city.
 - (98) To make recommendations to the city commission regarding the placement of proposed donations of works of art for placement on public property in the city. ~~or located on public facilities within the city.~~
 - (109) To perform all other duties and functions as requested by the city commission.
- (Ord. No. 95-2985, § 2(4A-7), 4-5-95; Ord. No. 99-3162, § 1, 1-6-99)

Sec. 82-563. Legal counsel.

The city attorney's office shall provide legal services to the art in public places committee as may be necessary or as requested by the art in public places committee.

(Ord. No. 95-2985, § 2(4A-8), 4-5-95)

Sec. 82-564. Committee solely liable for obligations.

Unless and until the city commission approves by passage of an appropriate resolution or ordinance the acquisition of a work of art for this program, the cost of such acquisition and all costs associated with such acquisition shall not be an obligation, liability or debt of any kind or nature of the city. Exclusive of the costs approved by the city commission as set forth in this article for the acquisition of a work of art, no obligation, liability or debt of any kind or nature whatsoever incurred or asserted against the art in public places committee shall in any manner whatsoever be an obligation or liability of the city.

(Ord. No. 95-2985, § 2(4A-9), 4-5-95)

Secs. 82-565--82-585. Reserved.

DIVISION 3. FUND

Sec. 82-586. Art in public places fund established.

The city art in public places fund shall be established, to consist of the following:

- (1) Moneys appropriated to the fund by the city commission in accordance with section 82-587.
- (2) Moneys donated to the fund by private individuals and organizations.
- (3) Moneys received by the city from award of grants for the acquisition or maintenance of works of art on public property or at public facilities in the city. Grant monies received by or on behalf of the Bass Museum of Art shall be exempt from placement in the art in public places fund.

(Ord. No. 95-2985, § 2(4A-3), 4-5-95)

Sec. 82-587. Appropriations by the city to the fund.

(a) All appropriations of city funding for ~~construction of city-owned~~ construction projects, including construction of new buildings and/or public facilities or additions to existing structures, shall include an appropriation of funds to the art in public places fund. ~~For new construction~~ The amount appropriated to the art in public places fund shall not be less than 1 1/2 percent (1 1/2 %) of the construction cost of the proposed city construction project. The appropriation to the fund shall be made at the same time as of the award of funding for the construction project of the construction contract for said city construction project. For city requested changes in scope requiring additional appropriations in excess of \$200,000 in the aggregate, at the time of appropriation of monies for the subject changes in scope, the applicable art in public places funding allocation shall be transferred to the art in public places fund.

(b) For city construction projects that also involve participation are developed by persons and entities other than the city, but that are developed pursuant to a development agreement entered into with the city, or which involve the participation of the city as a ground lessor, the required appropriation shall be made at the same time as the appropriation of funding for the construction project and be based upon the construction cost, regardless of whether the construction cost is funded

by the city or the person or entity other than the city. This subsection shall not apply to projects by not-for-profit persons or entities recognized under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose total construction budgets are less than \$8,000,000.00.

(c) ~~If the city commission determines that a particular project is not an appropriate site for works of art, it may waive the required appropriation by resolution, or alternatively, may elect to waive the appropriation, or a portion thereof, and place the funding in the fund. In making this determination, the city commission shall consider the recommendation of the art in public places committee.~~

In considering the required appropriation for a particular City construction project, the City Commission may, by resolution:

1. waive the required appropriation, finding such waiver to be in the best interest of the City;
2. reduce the required appropriation amount; or
3. find that the particular city construction project is not an appropriate site for works of art, and place all or a portion of the required appropriation in the art in public places fund for use at another site.

~~(d) — When a city construction project site has been determined not to be an appropriate site for works of art, appropriations made in connection with that particular city construction project need not be used for works of art to be located on the site of that particular project, except when restricted by the legal parameters of the funding source, including but not limited to, all funding sources stemming from redevelopment area and bond or other public funding sources. A portion of the appropriation for a particular construction site city construction project may be utilized for works of art for that site, with the remainder of the appropriation then being placed in the art in public places fund for use at another site, or the entire appropriation may be placed in the fund.~~

(d) The City Commission shall also consider whether the funding source for a particular City construction project is restricted by public bond covenants; federal, state or local laws; and/or legal parameters which would require that the appropriation be utilized on the particular City construction project site.

~~(e) — Selection of alternative sites, allotment of appropriation for acquisition of works of art for particular sites, and selection of works of art, shall be determined recommended by the committee and approved by the city commission.~~

(e) Prior to making a final determination as to the required appropriation for a City construction project, the City Commission shall consider the recommendation of the art in public places committee.

(Ord. No. 95-2985, § 2(4A-4), 4-5-95; Ord. No. 2001-3309, § 1, 6-6-01)

Sec. 82-588. Permitted use of fund ~~moneys~~monies.

~~Moneys~~Monies placed in the art in public places fund shall only be used for the following purposes:

(1) Acquisition of works of art to be located on city construction projects or on public property in the city or located on in public buildings or in public facilities within the city in accordance with the procedures in sections 82-611 and 82-612. Property selected as a site for the location of works of art

~~pursuant to this article may include both new construction sites and sites of existing buildings on public property or on/in public facilities, or public parks.~~

(2) Insurance and/or maintenance of existing works of art acquired by the city under this article in accordance with a yearly budget for such insurance and/or maintenance to be approved by the city commission. The city manager and art in public places committee may provide the city commission with a yearly recommendation regarding this budget.

(3) Expenses relating to the following:

- a. Research and evaluation by the committee pertaining to proposed works of art, including opinions when necessary from outside experts and/or professional advisory committees;
- b. Expenses related to art contests sponsored by the committee in connection with acquisitions of works of art, including related printing and distribution expenses;
- c. Administrative expenses relating to the operations of the committee, including but not limited to salaries, supplies and equipment for the keeping of minutes and printing and distribution of board agendas and correspondence;
- d. Selected artist tTravel expenses, at the rates used citywide and approved in advance by the city manager.

All such expenses shall be approved as part of the yearly budget for the fund by the city commission after considering the recommended budget submitted by the city manager and the committee. The amount budgeted for administration, maintenance, insurance, and preservation of works of art acquired by the city pursuant to this article as part of the total appropriations for art in public places shall not be more than twenty-five percent (25%) of monies placed in the art in public places fund.

(Ord. No. 95-2985, § 2(4A-5), 4-5-95)

Secs. 82-589--82-610. Reserved.

DIVISION 4. PROCEDURES

Sec. 82-611. Procedures for ~~site~~ selection.

(a) The art in public places committee shall evaluate each proposed city construction project to determine its suitability as a ~~location~~site for works of art. In making its determination, the following factors will be considered:

- (1) Appropriateness of the ~~building~~city construction project as a ~~location~~site for works of art.
- (2) Physical layout of the ~~building on the site~~city construction project.
- (3) ~~Exposure~~Visibility and accessibility to the public.

(b) Additionally, the committee shall establish a list of existing city-owned sites it considers appropriate sites for works of art. The criteria in subsection (a) of this section shall be used in evaluating potential sites.

(c) The acquisition, removal, and/or relocation of works of art, shall be in accordance with the

criteria set forth in this section and the art in public places master plan, as approved by resolution of the city commission.

(Ord. No. 95-2985, § 2(4A-10), 4-5-95)

Sec. 82-612. Selection of artists and works of art.

(a) When the art in public places committee recommends a particular city construction project or existing site as being appropriate for art in public places, the committee shall also recommend to the city commission one of the following means of obtaining the works of art:

(1) Open entry competition. Through appropriate advertisement all artists are invited to enter into competition for a commission to create a work of art for the site. The amount to be paid for the works of art shall be determined by the city commission after considering the committee's recommendation. Artists may be asked to submit slides of their past work, resumes, letters of intent related to the specific project or specific proposals for the project under review.

(2) Limited entry competition. A limited number of artists are invited to compete as set forth in subsection (a)(1) of this section.

(3) Direct selection of the artist. An artist or several artists may be selected to develop a proposal for the project or produce the desired works of art.

(4) Direct purchase of existing works of art. A completed work of art is purchased. No more than ten percent of the costs of the work of art may go to a dealer or agent.

(b) In the case of a limited competition or a direct selection, an artist may be asked to develop a proposal for a specific project. If asked to develop a proposal, an artist may be paid a proposal fee on the basis of an approved fee schedule. This schedule shall be determined by the committee after consultation with and approval by the city manager and shall consist of a sliding schedule based upon the total project commission. However, in general no more than five percent of the total art in public places allocation for a project should be paid in proposal fees to artists.

(c) The committee may recommend the appointment of a professional advisory committee to assist with selection of works of art or artists for a particular project. Selection of a professional advisory committee shall be by the art in public places committee and confirmed by the city commission. Reasonable expenses incurred by the professional advisory committee may be reimbursed from the fund in accordance with rates approved in advance by the art in public places committee and the city manager. ~~If the art in public places committee chooses not to use a professional advisory committee to assist in selection process, the committee may instead use the designated members of the design review or historic preservation boards to assist in the selection process.~~

(d) The art in public places committee shall consider the recommendations of the professional advisory committee in selecting works of art for particular ~~sites~~city construction projects or existing sites.

(e) Construction of selected works of art - where the selected work of art requires construction management, construction shall be managed by the city manager's designee.

(e) (f) Selection of artists, sculptors, craftsmen, and professional advisory committee's review of

designs and choice and acceptance of works of art shall be by the art in public places committee and must have approval of the city commission. All agreements made pursuant to this article shall be authorized by the city commission.

~~(f)~~ (g) In selecting/approving works of art, the art in public places committee and/or professional advisory committee and city commission shall consider the following criteria:

- (1) Appropriateness to the city construction project or existing sitesite.
- (2) Maintenance requirements.
- (3) Quality of the work.
- (4) Likelihood that the artist can complete the work within available funding.
- (5) Reflection of enduring artistic concepts, rather than transitory ones.
- (6) History of the artist in terms of completion of works on time.

(g) ~~(h)~~ In obtaining the advice of the design review board, or historic preservation board, whichever has jurisdiction over the matter based on the location of the proposed project, according to such board's normal application and review procedures, the staff of the art in public places committee shall present the proposal to such boards twice; first, conceptually and prior to the selection of an artist or work, and second, prior to submittal of a final recommendation by the art in public places committee to the city commission. At the time of the board's first review, the boards may impose binding criteria, subject to later reconsideration, on the following matters: location, size, footprint, massing, and relationship to context, including the establishment of a range of acceptable materials.

(Ord. No. 95-2985, § 2(4A-11), 4-5-95; Ord. No. 2001-3333, § 2, 11-28-01)

SECTION 2. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect the ____ day of _____, 2004.

PASSED and **ADOPTED** this ____ day of _____, 2004.

ATTEST:

MAYOR

CITY CLERK

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

M. H. Dull 6-2-04
City Attorney Date

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

An Ordinance Providing The City Manager With The Authority To Approve Purchases Of Commodities, Materials, Supplies Or Other Items On A Continuing Basis From Contracts Awarded By The U.S. Communities Government Purchasing Alliance; And Providing That Prior To Approval Of Said Purchases From The Entities, As Set Forth In Section 2-369, The City Manager Shall Prepare, Or Cause To Be Prepared, A Written Analysis Which Shall Include A Statement As To Why It Is In The City's Best Interest To Procure Commodities, Materials, Supplies, Or Other Items On A Continuing Basis Utilizing The Contracts From The Entities Set Forth In Section 2-369.

Issues:

Shall the City Commission Adopt the Ordinance after Second Reading – Public Hearing?

Item Summary/Recommendation:

The City Commission at its May 26, 2004 meeting approved the proposed Ordinance on first reading and scheduled a public hearing for June 9, 2004. The Administration is recommending utilizing contracts competitively awarded by the U.S. Communities Government Purchasing Alliance ("U.S. Communities") in order to take advantage of economies of scale, or aggregate purchasing power, which translates into lower costs to the City. U.S. Communities' aggregate purchasing power combines the following: 1) 87,000 Local Agencies; 2) expands purchasing choices beyond state boundaries; 3) over 7,000 currently participating public agencies in 50 States.

The Finance and Citywide Projects Committee at its April 6, 2004 meeting, was provided with information by the City's Procurement Director that he had evaluated all contracts awarded by the U.S. Communities to determine if utilizing said contracts was in the City's best interest. There exist three (3) contracts awarded by U.S. Communities that represents an immediate cost savings to the City. Other U.S. Communities' contracts would neither apply nor represent a cost savings.

AMEND THE MIAMI BEACH CITY CODE.

Advisory Board Recommendation:

The Finance and Citywide Projects Committee at its April 6, 2004 meeting, unanimously recommended the amendment to Section 2-369 of the Code of Miami Beach to include the utilization of U.S. Communities' contracts, and also to codify the City Manager's policy and procedure of ensuring that a written analysis be prepared to include a statement as to why it is in the city's best interest to purchase the particular commodities, materials, supplies, or items on a continuing basis from the entities set forth in Section 2-369.

Financial Information: N/A

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 80px; height: 40px; margin-bottom: 5px;"></div> Finance Dept.	1	N/A		
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Gus Lopez, extension 6641.

Sign-Offs:

Department Director	Assistant City Manager/CFO	City Manager
GL	PDW	JMG

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Agenda Item RSB

Date 6-9-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 9, 2004

From: Jorge M. Gonzalez
City Manager

SECOND READING – PUBLIC HEARING

Subject: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION"; BY AMENDING ARTICLE VI THEREOF, ENTITLED "PROCUREMENT"; BY AMENDING DIVISION 3, ENTITLED "CONTRACT PROCEDURES"; BY AMENDING SECTION 2-369, ENTITLED "AWARD OF CONTRACT"; SAID AMENDMENTS RESPECTIVELY: 1) PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO APPROVE PURCHASES OF COMMODITIES, MATERIALS, SUPPLIES OR OTHER ITEMS ON A CONTINUING BASIS FROM CONTRACTS AWARDED BY THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE; AND 2) PROVIDING THAT PRIOR TO APPROVAL OF SAID PURCHASES FOR COMMODITIES, MATERIALS, SUPPLIES OR OTHER ITEMS ON A CONTINUING BASIS FROM THE ENTITIES, AS SET FORTH IN SECTION 2-369, THE CITY MANAGER SHALL PREPARE, OR CAUSE TO BE PREPARED, A WRITTEN ANALYSIS WHICH SHALL INCLUDE A STATEMENT AS TO WHY IT IS IN THE CITY'S BEST INTEREST TO PROCURE COMMODITIES, MATERIALS, SUPPLIES, OR OTHER ITEMS ON A CONTINUING BASIS UTILIZING THE CONTRACTS FROM THE ENTITIES SET FORTH IN SECTION 2-369; ALSO PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

Adopt the Ordinance upon second hearing – public hearing.

ANALYSIS

The Commission approved the Ordinance on first reading and scheduled a public hearing and second reading for June 9, 2004. The Commission was provided with the following analysis at its May 26, 2004 meeting:

Section 2-369 of the Code of Miami Beach authorizes the City Manager to utilize contracts awarded by federal general services administration bid lists, State of Florida, Miami-Dade County, or the Miami-Dade School Board, for the purchase of commodities, materials, supplies, or items on a continuing basis.

The Administration is recommending utilizing contracts competitively awarded by the U.S. Communities Government Purchasing Alliance ("U.S. Communities") in order to take advantage of economies of scale, or aggregate purchasing power, which translates into lower costs to the City. U.S. Communities' aggregate purchasing power combines the following: 1) 87,000 Local Agencies; 2) expands purchasing choices beyond state boundaries; 3) over 7,000 currently participating public agencies in 50 States.

The Mayor and City Commission, at its February 4, 2004 meeting, referred to the Finance and Citywide Projects Committee for discussion regarding a proposed amendment to Section 2-369 of the City Code relative to the utilization of contracts awarded by the U.S. Communities.

The Finance and Citywide Projects Committee at its April 6, 2004 meeting, was provided with information by the City's Procurement Director that he had evaluated all contracts awarded by the U.S. Communities to determine if utilizing said contracts was in the City's best interest. There exist three (3) contracts awarded by U.S. Communities that represents an immediate cost savings to the City. Other U.S. Communities' contracts would neither apply nor represent a cost savings. The complete list of U.S. Communities' contracts are attached herein and labeled Exhibit A.

Detail information on U.S. Communities and why it is in the City's best interest to amend the Miami Beach Code to authorize the City Manager to utilize contracts awarded by the U.S. Communities is attached herein and labeled Exhibit B. Additionally, section 163.01, Florida Statutes, known and cited as the "*Florida Interlocal Cooperation Act of 1969*", permits local governmental units (including municipalities) to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage to acquire goods and services in a manner that will accord best economic, and other factors influencing the needs and development of local communities.

The Finance and Citywide Projects Committee unanimously recommended the amendment to Section 2-369 of the Code of Miami Beach to include the utilization of U.S. Communities' contracts, and also to codify the City Manager's policy and procedure of ensuring that a written analysis be prepared to include a statement as to why it is in the city's best interest to purchase the particular commodities, materials, supplies, or items on a continuing basis from the entities set forth in Section 2-369.

The Administration recommends that the attached Ordinance be adopted after second reading – public hearing.

JMG/PDW/GL

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EXHIBIT A

U.S. COMMUNITIES' CONTRACTS AS OF MAY 20, 2004

Contract Information Summary	
<ul style="list-style-type: none"> • Office/School Supplies County of Los Angeles, CA. Master Agreement #41421 Contract Term: Through Mar. 4, 2004 with ability to extend for 12 months Solicitation Summary: 60 invited; 6 responded; 	
<ul style="list-style-type: none"> • Office Furniture Fairfax County, VA. Contract #RQ01-41131313-16A-E Contract Term: 3 years; Jan. 17, 2001 to Jan. 16, 2004 with ability to extend for 12 months up to 3 years. Solicitation Summary: 308 invited & posted on the web; 22 responded; 	
<ul style="list-style-type: none"> • Electrical Products County of Los Angeles, CA. Master Agreement #41902 Contract Term: 3 years; Feb. 01, 2003 to Jan. 31, 2006. Solicitation Summary: 33 invited; 20 responded; 	
<ul style="list-style-type: none"> • Comm/Data Supplies County of Los Angeles, CA. Master Agreement #41490 Contract Term: 2 years; July 1, 2001 to June 30, 2003; Extended until June 30, 2004 Solicitation Summary: 33 invited; 20 responded; 	
<ul style="list-style-type: none"> • Technology Products Fairfax County, VA. Contract #RQ03-605674-16A Contract Term: 3 years; May, 2003 to April 30, 2006 ability to extend for 1 year up to 3 years Solicitation Summary: 1500 invited & posted on the web; 21 responded; 	
<ul style="list-style-type: none"> • Janitorial Supplies County of Allegheny, PA. Master Purchase Agreement #45983 Contract Term: 3 years; Jan. 6, 2003 to Jan. 6, 2006 with ability to extend for 12 months up to 2 years Solicitation Summary: 60 invited; 2 responded; 	
<ul style="list-style-type: none"> • Tools and Material Handling County of Los Angeles, CA. Master Agreement # 41906 Contract Term: 3 years; Feb. 1, 2003 to Jan. 31, 2006. Solicitation Summary: 39 invited; 10 responded; 	
<ul style="list-style-type: none"> • School Furniture Wichita Public Schools, KS Master Agreement for School Specialty and Virco Contract Term: 3 years; Jan. 14, 2003 to Jan. 13, 2006. Solicitation Summary: 95 invited; 17 responded; 	
<ul style="list-style-type: none"> • Carpet and Flooring County of Los Angeles, CA. Master Agreement # 41922 for Interface Flooring System Inc. and Milliken Carpet Contract Term: 3 years; Feb. 1, 2003 to Jan. 31, 2006. Solicitation Summary: 16 invited; 7 responded; 	
<ul style="list-style-type: none"> • Procurement Card County of Maricopa, AZ. Contract No. 02059-RFP AETRS Contract Term: 5 years; Feb. 19, 2003 to Feb. 29, 2008. 	
<ul style="list-style-type: none"> • Office Machines County of Miami-Dade, FL. Contract No.BW7123-3/07-OTR Contract Term: 2 years; May. 01, 2003 to Apr. 30, 2005. Solicitation Summary: 81 invited; 	
<ul style="list-style-type: none"> • Park and Playground City of Charlotte/Mecklenberg County, NC. Gametime Contract #040376, Structure Inc. Contract #040377 and Little Tikes Commercial Contract #040378 Contract Term: 5 years; Sept. 17, 2003 to Sept. 16, 2008 with ability to extend for 1 year up to 2 years Solicitation Summary: 14 invited; 7 responded; 	
<ul style="list-style-type: none"> • P.E. Supplies Harford County Public Schools, MD. Master Agreement P.E. Supplies Contract Term: 3 years; Oct. 01, 2003 to Sept. 30, 2006 with ability to extend for 1 year up to 3 years 	

EXHIBIT B

U.S. Communities

Q & A

What is U.S. Communities?

U.S. Communities is a **nonprofit** instrumentality of government that assists public agencies in reducing the cost of purchased goods through pooling the purchasing power of public agencies nationwide. This is accomplished through competitively solicited contracts for quality products through lead public agencies.

How is U.S. Communities funded as a nonprofit instrumentality of government?

The suppliers pay a minimum 1% administrative fee to participate and this pays for operating expenses and offsets costs incurred by national and state sponsors.

What are the Key Advantages of U.S. Communities?

Savings:

- No user fees
- Saves time and money
- Frees resources for other public priorities, programs and services

Competitively Solicited:

- Offers competitively solicited government contracts

Nationally Sponsored

- Founded by:
- Association of School Business Officials International (ASBO)
- National Association of Counties (NACo)
- National Institute of Governmental Purchasing (NIGP)
- National League of Cities (NLC)
- United States Conference of Mayors (USCM)
- Supported by National Network of State County & Municipal Associations

Directed by Public Purchasing Professionals

- National Advisory Board of Public Purchasing Professionals
- Guide Program Direction and Select Products
- Initiate and Manage Competitive Solicitations

What are the advantages of participating in U.S. Communities?

- Most favorable public agency pricing
- No cost to participate
- Nationally sponsored by leading associations and purchasing organizations
- Broad range of high quality products
- Aggregates purchasing power of public agencies nationwide
- Managed by public purchasing professionals

Does U.S. Communities have professional public purchasing advisors?

Yes. The Advisory Board members consist of public purchasing professionals from:

- Allegheny County, PA
- City of Charlotte / Mecklenburg County, NC
- Cobb County, GA
- Columbus, OH
- Dallas County, TX
- Denver, CO
- Detroit Public Schools, MI
- Davis Joint Unified School District, CA
- Fairfax County, VA
- Harford County Public Schools, MD
- Hillsborough School District, FL
- Hennepin County, MN
- Houston, TX
- Los Angeles County, CA
- Maricopa County, AZ
- Miami-Dade County, FL

- Naperville, IL
- San Antonio, TX

- San Diego County, CA
- Seattle, WA
- Wichita Public Schools, KS.

Can agencies other than public agencies use the program?

Yes, 501(c)(3) nonprofit agencies providing a service on behalf of a governmental entity can use the program in addition to counties, cities, special districts, schools, universities and colleges, towns, villages and state agencies.

ORGANIZATION

National Local Government.

U.S. Communities Government Purchasing Alliance has established a national structure for local government agencies to make use of their collective purchasing power and to improve the overall effectiveness of their purchasing processes:

Legal Entity.

U.S. Communities is a nonprofit instrumentality of government formed under U.S. Code, Title 26, Internal Revenue Code, Section 115. U.S. Communities is incorporated in California under the Nonprofit Public Benefit Corporation Law for charitable and public purposes and the State Seal of Incorporation was affixed May 26, 1999.

National Sponsors.

- Association of School Business Officials International (ASBO)
- National Association of Counties (NACo)
- National Institute of Governmental Purchasing (NIGP)
- National League of Cities
- United States Conference of Mayors

Advisory Board.

The U. S. Communities Advisory Board is made up of key government purchasing officials from across the United States. The Advisory Board provides leadership and overall direction for the U.S. Communities.

Advisory Board Expectations.

- Each Advisory Board Member is expected to actively:
- Participate in product bids and selection;
- Use selected products;
- Promote the U.S. Communities;
- Participate in policy direction; and
- Share expertise and purchasing innovations

COMPETITIVE SELECTION

U.S. Communities Government Purchasing Alliance employs the following competitive process in selecting suppliers:

- Advisory Board recommends a product or commodity;
- A lead Advisory Board member prepares a competitive solicitation;
- Solicitation includes language allowing other government agencies to use or "piggyback" on contract;
- Lead agency and Advisory Board evaluate proposals and complete an award;
- Participating Public Agencies ("PPA") access contract through online registration with U.S. Communities.

Lead Agency and Advisory Board monitor and evaluate supplier performance.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION"; BY AMENDING ARTICLE VI THEREOF, ENTITLED "PROCUREMENT"; BY AMENDING DIVISION 3 THEREOF, ENTITLED "CONTRACT PROCEDURES"; BY AMENDING SECTION 2-369 THEREOF, ENTITLED "AWARD OF CONTRACT"; SAID AMENDMENTS RESPECTIVELY: 1) PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO APPROVE PURCHASES OF COMMODITIES, MATERIALS, SUPPLIES OR OTHER ITEMS ON A CONTINUING BASIS FROM CONTRACTS AWARDED BY THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE; AND 2) PROVIDING THAT PRIOR TO APPROVAL OF PURCHASES FOR COMMODITIES, MATERIALS, SUPPLIES, OR OTHER ITEMS ON A CONTINUING BASIS FROM THOSE ENTITIES SET FORTH IN SECTION 2-369, THE CITY MANAGER SHALL PREPARE, OR CAUSE TO BE PREPARED, A WRITTEN ANALYSIS, IN SUCH FORM AND MANNER AS SHALL BE DETERMINED BY THE CITY MANAGER, WHICH SHALL INCLUDE JUSTIFICATION AS TO WHY IT IS IN THE CITY'S BEST INTEREST TO PROCURE SAID COMMODITIES, MATERIALS, SUPPLIES, OR OTHER ITEMS ON A CONTINUING BASIS UTILIZING THE CONTRACTS OF THE ENTITIES SET FORTH IN SECTION 2-369; ALSO PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Section 2-369 of the Code of Miami Beach authorizes the City Manager to utilize contracts awarded by state or federal general services administration bid lists, Miami-Dade County, or the Miami-Dade School Board, for the purchase of commodities, materials, supplies, or items on a continuing basis; and

WHEREAS, the Administration is also desirous of utilizing contracts competitively awarded by the U.S. Communities Government Purchasing Alliance ("U.S. Communities") in order to take advantage of economies of scale, or aggregate purchasing power, which translates into lower costs to the City; and

WHEREAS, the Mayor and City Commission, at its February 4, 2004 meeting, referred to the Finance and Citywide Projects Committee for discussion a proposed amendment to Section 2-369 of the City Code relative to the utilization of contracts awarded by the U.S. Communities; and

WHEREAS, the Finance and Citywide Projects Committee, at its April 6, 2004 meeting, was provided with information by the City's Procurement Director that he had evaluated all contracts awarded by the U.S. Communities to determine if utilizing said contracts was in the City's best interest; and

WHEREAS, from the list of contracts awarded by the U.S. Communities, three (3) contracts represented an immediate cost savings to the City, while other U.S. Communities' contracts would neither apply nor represent a cost savings; and

WHEREAS, the Finance and Citywide Projects Committee unanimously recommended the amendment to Section 2-369 of the Code of Miami Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA as follows:

SECTION 1: That Chapter 2 of the Code of the City of Miami Beach, entitled "Administration"; Article VI thereof, entitled "Procurement"; Division 3 thereof, entitled "Contract Procedures"; Section 2-369 thereof, entitled "Award of Contract", is hereby amended as follows:

ARTICLE VI. PROCUREMENT

* * * *

DIVISION 3. CONTRACT PROCEDURES

* * * *

Sec. 2-369. Award of contract.

All contracts, when the sum is \$10,000.00 or less, shall be awarded by the procurement director to the lowest and best bidder. All contracts, when the sum is in excess of \$10,000.00 and not exceeding \$25,000.00 shall be awarded by the city manager, or his designee, to the lowest and best bidder. When the amount of a contract is in excess of \$25,000.00, the city commission shall award the contract to the lowest and best bidder, or may delegate to the city manager the power to award such contract to the lowest and best bidder; however, the purchase of commodities, materials, supplies or other items on a continuing basis from Metropolitan Miami-Dade County; from the School Board of Miami-Dade County; from the U.S. Communities Government Purchasing Alliance or from state or federal general services administration bid lists may be approved by the city manager without any action by the city commission, even though the total cost of such commodities, materials, supplies or other items may exceed \$25,000.00 over a one-year period; provided that prior to approval of such purchases, the city manager shall prepare, or cause to be prepared, a written analysis, in such form and manner as shall be determined by the city manager, which shall include a justification as to why it is in the city's best interest to purchase the particular commodities, materials, supplies, or items on a continuing basis from the entities set forth in this section 2-369.

(Code 1964, §§ 31A-12, 31A-19; Ord. No. 2001-3290, § 1, 1-31-01; and Ord. No. 2003-3390, § 1, 2-5-03)

* * * *

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity or constitutionality of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2004 which is 10 days after adoption.

PASSED and ADOPTED this _____ day of _____, 2004.

Mayor


ATTEST:

City Clerk

WORDS STRICKEN THROUGH SHALL BE DELETED. WORDS UNDERSCORED CONSTITUTE THE AMENDMENT PROPOSED. REMAINING PROVISIONS ARE NOW IN EFFECT AND REMAIN UNCHANGED.

T:\AGENDA\2004\May2604\Regular\ProcurementOrdinance.doc

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

5-21-04

Date

Sunday's Arts section highlights local entertainment for you.
Theater, movies, art and music are reviewed weekly.

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS



NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, June 9, 2004, at the times listed below**, to consider the following:

at 10:30 a.m.:

AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION"; BY AMENDING ARTICLE VI THEREOF, ENTITLED "PROCUREMENT"; BY AMENDING DIVISION 3, ENTITLED "CONTRACT PROCEDURES"; BY AMENDING SECTION 2-369, ENTITLED "AWARD OF CONTRACT" SAID AMENDMENTS RESPECTIVELY: 1) PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO APPROVE PURCHASES OF COMMODITIES, MATERIALS, SUPPLIES OR OTHER ITEMS ON A CONTINUING BASIS FROM CONTRACTS AWARDED BY THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE; AND 2) PROVIDING THAT PRIOR TO APPROVAL OF SAID PURCHASES FOR COMMODITIES, MATERIALS, SUPPLIES OR OTHER ITEMS ON A CONTINUING BASIS FROM THE ENTITIES, AS SET FORTH IN SECTION 2-369, THE CITY MANAGER SHALL PREPARE, OR CAUSE TO BE PREPARED, A WRITTEN ANALYSIS WHICH SHALL INCLUDE A STATEMENT AS TO WHY IT IS IN THE CITY'S BEST INTEREST TO PROCURE COMMODITIES, MATERIALS, SUPPLIES, OR OTHER ITEMS ON A CONTINUING BASIS UTILIZING THE CONTRACTS FROM THE ENTITIES SET FORTH IN SECTION 2-369; ALSO PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Inquiries may be directed to the Planning Department at (305)673-7550.

at 10:40 a.m.:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 102, ARTICLE V, OF THE CODE OF THE CITY MIAMI BEACH, FLORIDA, ENTITLED "OCCUPATIONAL LICENSE TAX", TO DEFINE ADJUDICATED VIOLATION, TO DEFINE HABITUAL CONDUCT FOR PURPOSES OF OCCUPATIONAL LICENSE DENIAL AND/OR SUSPENSION OR REVOCATION, AND DEFINING HABITUAL CONDUCT FOR PROMOTERS OCCUPATIONAL LICENSE DENIAL AND/OR SUSPENSION OR REVOCATION, DELETING THE TERM "ACTUAL" IN "ACTUAL THREAT TO PUBLIC HEALTH, WELFARE AND SAFETY", CLARIFYING THE DEFINITION OF "CITY MANAGER OR HIS DESIGNEE", AND PROVIDING FOR AN "INDEPENDENT HEARING OFFICER" TO UNDERTAKE HEARINGS IN THE SUSPENSION OR REVOCATION PROCESS AND PROVIDING FOR FACTORS TO BE CONSIDERED IN DETERMINING THE LENGTH OF A LICENSE SUSPENSION; PROVIDING FOR CODIFICATION REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Inquiries may be directed to the City Manager's Office at (305)673-7010.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2469 (voice), 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #0264

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Condensed Title:

An Ordinance amending Chapter 102, Article V, of the Code of the City of Miami Beach, Florida, entitled "Occupational License Tax", to clarify the definition of the City Manager's designee, to define habitual conduct for purposes of Occupational License denial and/or suspension or revocation, and defining habitual conduct for promoters Occupational License denial and/or suspension or revocation and providing for the City Manager's designee to undertake a hearing in the suspension or revocation process and providing factors to be considered in determining the length of a license suspension.

Issue:

Shall amendments to the Occupational License Tax Ordinance addressing judicial concerns by providing for definition of habitual conduct and other clarifications be withdrawn?

Item Summary/Recommendation:

At the April 14, 2004 Commission Meeting, the Mayor and City Commission approved the first reading of an Ordinance providing for certain amendments to the City's current Occupational License Tax Ordinance. The principle amendment offered in the first reading was to create a definition for a habitual offender for purposes of license suspension and revocation.

As a result of the business community response, it appears that modifications to the occupational license ordinance before the Commission will be both necessary and appropriate. Preliminary discussion on alternate language suggests that at least one additional ordinance may be needed in combination with revisions to the occupational license ordinance to address the various issues.

In order to allow sufficient time to develop the new material and to gather comments from the community, it is recommended that the current occupational license ordinance amendments be withdrawn and that the new proposals be introduced for 1st reading as a package at the July 28, 2004 Commission meeting.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 80px; height: 40px; margin-bottom: 5px;"></div> Finance Dept.	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Robert C. Middaugh

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM RSC
DATE 6-9-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 9, 2004

From: Jorge M. Gonzalez
City Manager

**SECOND READING
PUBLIC HEARING**

Subject: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 102, ARTICLE V, OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA ENTITLED "OCCUPATIONAL LICENSE TAX", TO DEFINE ADJUDICATED VIOLATION, TO DEFINE HABITUAL CONDUCT FOR PURPOSES OF OCCUPATIONAL LICENSE DENIAL AND/OR SUSPENSION OR REVOCATION, AND DEFINING HABITUAL CONDUCT FOR PROMOTERS OCCUPATIONAL LICENSE DENIAL AND/OR SUSPENSION OR REVOCATION AND PROVIDING FOR THE CITY MANAGER'S DESIGNEE TO UNDERTAKE A HEARING IN THE SUSPENSION OR REVOCATION PROCESS AND PROVIDING FOR FACTORS TO BE CONSIDERED IN DETERMINING THE LENGTH OF A LICENSE SUSPENSION; PROVIDING FOR CODIFICATION REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Withdraw the ordinance and reintroduce substitute materials for 1st reading at the July 28, 2004 Commission Meeting.

ANALYSIS

At the April 14, 2004 Commission Meeting, the Mayor and City Commission approved the first reading of an Ordinance providing for certain amendments to the City's current Occupational License Tax Ordinance. The principle amendment offered in the first reading was to create a definition for a habitual offender for purposes of license suspension and revocation.

At the time of first reading approval, the Mayor and City Commission requested that the Administration solicit both business and residential input on the changes suggested for the Occupational License Tax Ordinance before the Ordinances 2nd reading. While the June 9, 2004 meeting of the City Commission was scheduled as the date for second reading, in an earlier discussion members of the Commission had suggested that opening the hearing and continuing the item to the July meeting would be appropriate to allow more time to gather comments and input on the Occupational License Tax Ordinance changes proposed.

An initial meeting with representatives of the business community was conducted on Tuesday, May 18, 2004 at 4:00 p.m. at City Hall. The meeting was attended by approximately thirty representatives of the business community with a large representation of hotel owners in attendance. The business community reaction to the proposed changes was uniform and consistently in opposition to the changes being offered in the Ordinance presented for first reading.

As a result of the business community response, it appears that modifications to the occupational license ordinance before the Commission will be both necessary and appropriate. Preliminary discussion on alternate language suggests that at least one additional ordinance may be needed in combination with revisions to the occupational license ordinance to address the various issues.

In order to allow sufficient time to develop the new material and to gather comments from the community, it is recommended that the current occupational license ordinance amendments be withdrawn and that the new proposals be introduced for 1st reading as a package at the July 28, 2004 Commission meeting.

JMG/RCM/sam

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Sunday's Arts section highlights local entertainment for you.
Theater, movies, art and music are reviewed weekly.

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS



NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, June 9, 2004, at the times listed below**, to consider the following:

at 10:30 a.m.:

AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION"; BY AMENDING ARTICLE VI THEREOF, ENTITLED "PROCUREMENT"; BY AMENDING DIVISION 3, ENTITLED "CONTRACT PROCEDURES"; BY AMENDING SECTION 2-369, ENTITLED "AWARD OF CONTRACT" SAID AMENDMENTS RESPECTIVELY: 1) PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO APPROVE PURCHASES OF COMMODITIES, MATERIALS, SUPPLIES OR OTHER ITEMS ON A CONTINUING BASIS FROM CONTRACTS AWARDED BY THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE; AND 2) PROVIDING THAT PRIOR TO APPROVAL OF SAID PURCHASES FOR COMMODITIES, MATERIALS, SUPPLIES OR OTHER ITEMS ON A CONTINUING BASIS FROM THE ENTITIES, AS SET FORTH IN SECTION 2-369, THE CITY MANAGER SHALL PREPARE, OR CAUSE TO BE PREPARED, A WRITTEN ANALYSIS WHICH SHALL INCLUDE A STATEMENT AS TO WHY IT IS IN THE CITY'S BEST INTEREST TO PROCURE COMMODITIES, MATERIALS, SUPPLIES, OR OTHER ITEMS ON A CONTINUING BASIS UTILIZING THE CONTRACTS FROM THE ENTITIES SET FORTH IN SECTION 2-369; ALSO PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

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Inquiries may be directed to the City Manager's Office at (305)673-7010.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

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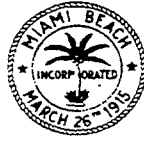
To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice), 305-673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #0264

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City of Miami Beach

F L O R I D A



MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

TO: Mayor David Dermer and
Members of the City Commission

DATE: June 9, 2004

FROM: Murray H. Dubbin *MD*
City Attorney

SUBJECT: AN ORDINANCE AMENDING CHAPTER 62 OF THE MIAMI BEACH CITY CODE ENTITLED "HUMAN RELATIONS" BY AMENDING ARTICLE II THEREOF ENTITLED "DISCRIMINATION" TO PROVIDE A DEFINITION FOR GENDER.

Pursuant to the request of Commissioner Luis Garcia, the Neighborhood/Community Affairs Committee considered amending the City's Human Rights Ordinance to add a definition for gender. The above referenced Ordinance is submitted for consideration by the Mayor and City Commission for first reading. This Ordinance amends the Human Rights Ordinance to provide a definition for the word "gender." Such an amendment has been recommended by the Neighborhood/Community Affairs Committee.

F:\atto\TURN\COMMEMO\Gender definition admnt.doc

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 62 OF THE MIAMI BEACH CITY CODE ENTITLED "HUMAN RELATIONS"; BY AMENDING ARTICLE II THEREOF ENTITLED "DISCRIMINATION" BY AMENDING SECTION 62-31 ENTITLED "DEFINITIONS" BY ADDING A DEFINITION FOR "GENDER" TO BE UTILIZED IN ARTICLE II; BY AMENDING SECTION 62-32 ENTITLED "PURPOSE; DECLARATION OF POLICY"; BY AMENDING SECTION 62-88.1 ENTITLED "DISCRIMINATION IN PUBLIC SERVICES"; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission enacted a Human Rights Ordinance on December 2, 1992, to secure for all individuals within the City of Miami Beach freedom from discrimination in housing, employment and public accommodations on account of race, color, national origin, sex, sexual orientation, age, handicap, marital status or familial status; and

WHEREAS, the City Commission believes that the Human Rights Ordinance should be strengthened by adding the prohibition of discrimination because of gender with a definition including but not limited to sex, and that these amendments are desirable for the welfare of the residents of the City of Miami Beach, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Sec. 62-31 of Chapter 62 of the Miami Beach City Code is amended to read as follows:

Chapter 62

HUMAN RELATIONS

* * *

Article II. Discrimination

* * *

Sec. 62-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Classification category means each category by which discrimination is prohibited as set forth within section 62-32. These categories are as follows: race, color, national origin, religion, ~~sex~~, gender, sexual orientation, disability, marital status, familial status, or age.

* * *

Gender includes but is not limited to sex, pregnancy, child birth, or medical conditions related to pregnancy or child birth, gender-related self-identity, self-image, appearance, expression or behavior whether or not such gender-related characteristics differ from those associated with the individual's assigned sex at birth.

* * *

Sex means the state of being a male or female.

Sexual orientation means the condition of being heterosexual, homosexual, or bisexual.

SECTION 2. That Sec. 62-32 of Chapter 62 of the Miami Beach City Code is amended to read as follows:

Sec. 62-32. Purpose; declaration of policy.

The general purpose of this article and the policy of the city, in keeping with the laws of the United States of America and the spirit of the state constitution, is to promote through fair, orderly and lawful procedure the opportunity for each person so desiring to obtain employment, housing and public accommodations of the person's choice in the city without regard to race, color, national origin, religion, ~~sex~~, gender, sexual orientation, disability, marital status, familial status, or age, and, to that end, to prohibit discrimination in employment, housing and public accommodations by any person.

* * *

SECTION 3. That Sec. 62-88.1 of Chapter 62 of the Miami Beach City Code is amended to read as follows:

Sec. 62-88.1. Discrimination in public services.

No individual shall, by reason of race, color, national origin, religion, ~~sex~~, gender, sexual orientation, marital status, familial status, or age, nor any qualified individual with a disability shall, by reason of disability, be excluded from participation in or be denied the benefits of the public services of the city, or be subjected to discrimination by the city.

* * *

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect on the ____ day of _____, 2004.

PASSED AND ADOPTED this ____ day of _____, 2004.

ATTEST:

MAYOR

CITY CLERK

F:\atto\PAPD\Human Rights Ordinance Amendment.doc

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

 6/4/04
City Attorney Date

R6 - Commission Committee Reports

- R6A Verbal Report Of The Finance And Citywide Projects Committee Meeting Of June 1, 2004: **1)** Discussion Regarding A Proposed Amendment Of Miami Beach Golf Club User Fees; **2)** Discussion On Policy Issues Regarding How The City Deals With Land Rights, And How To Ensure The City Receives Fair Compensation For The Abandonment Of Easements; And **3)** A Resolution Authorizing The Mayor And City Clerk To Approve An Increase To The Community Benefit Fund Surcharge On Tickets Sold At The Jackie Gleason Theater From \$1.00 To \$1.50, And To Reduce The Subsidy Percentage Paid From The Community Benefit Fund On Senior And Student Discounted Tickets From 80% To Approximately 71%.

AGENDA ITEM R6A
DATE 6-9-04

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Condensed Title:

A Resolution of the Mayor and City Commission of Miami Beach, Florida amending Resolution No. 2002-24995 which established the user rates for the newly renovated Miami Beach (Bayshore) Golf Club; said rates to be effective October 1, 2004.

Issue:

Shall the City amend the established golf rates for the Miami Beach Golf Club to ensure they are consistent with market rates of comparable high quality golf courses in the area sufficiently to pay the operating costs, debt service and the establishment of a capital reserve for future improvements and capital equipment replacement?

Item Summary/Recommendation:

Administration desires to amend the golf rates fees for the Miami Beach Golf Club per attached rates sheet for Miami Beach residents, hotel guests and day visitors reflective of comparable rates with other golf courses of similar high quality in Miami-Dade and Broward Counties. The potential success of Miami Beach Golf Club when first opened was an unknown variable. Since opening in December of 2002 the Miami Beach Golf Club has earned its reputation as a premiere golf destination for tourists, day guests and our residents, being featured locally, nationally and internationally in golf magazines, news papers and other media as an excellent golfing experience. This is documented by the Miami Beach Golf Club being ranked 18th out of over 180 new golf courses by Golf Digest magazine in 2003. Additionally, the new golf clubhouse should be opening early fall of 2004 which will further enhance the golf experience.

The proposed rates were developed by the Administration and the City's golf management firm, Professional Course Management, II, Ltd. It is estimated that the increased fees could generate additional revenue in the amount of \$250,000 – \$300,000. The added revenue will enable the levels of customer service and maintenance to remain at the current high standards, which are being very positively received by the golfing public and further enable the operation to properly plan for future anticipated expenditures by establishing a capital reserve for capital improvements and capital equipment replacements.

Advisory Board Recommendation:

The revised fees as recommended were reviewed and approved by the Miami Beach Golf Advisory Board at their March 2, 2004 meeting. The fees were also discussed and recommended for approval by the Members of the Finance and Citywide Projects Committee at their meeting of June 1, 2004.

Financial Information:

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 80px; height: 50px; margin: 0 auto;"></div> Finance Dept.	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager
KS	RCM	JMG <i>Jorge</i>

T:\AGENDA\2004\Jun0904\Consent\6_9 Golf Fees Ammendment Commission Summary Cover sheet (new).DOC

AGENDA ITEM R7A
DATE 6-9-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
<http://ci.miami-beach.fl.us>



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 9, 2004

From: Jorge M. Gonzalez
City Manager

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. 2002-24995 WHICH ESTABLISHED A MAXIMUM SCHEDULE OF USER RATES FOR THE MIAMI BEACH GOLF CLUB TO THE RATES DELINEATED IN ATTACHMENT "A" TO THIS RESOLUTION; SAID RATES TO BE EFFECTIVE AS OF OCTOBER 1, 2004.

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

ANALYSIS

On September 25, 2002, the Mayor and Members of the City Commission approved Resolution No. 2002-24995 which established the schedule of user rates for the newly renovated Miami Beach Golf Club, formally known as the Bayshore golf course. The established rates were the result of extensive planning, evaluation and analysis developed to meet the projected operational costs and debt service for the golf course. The approved rates were also sensitive to the price point of the Miami Beach resident, the tourist and day player while taking into consideration the unknown variables of the players' acceptance of the new golf course, lack of a permanent clubhouse or perimeter fence.

The fees schedule was established based on a basic premise set by a past City Commission which stated that the Miami Beach Golf Club (Bayshore golf course) would be renovated into a high quality tourist destination that would also serve our citizens with the expectation that the revenues generated must cover the cost of the on-going operations as well as future capital improvements and debt service on the construction loan. Prior to the fees recommendation, substantial work was done by the Mayor's Golf Ad Hoc Committee, the Golf Advisory Board, the Administration and the City's golf courses management company, Professional Course Management II, Ltd., to determine a structure that would generate sufficient income for the operations and debt service, while being comparable to market rates being charged at other golf courses of similar quality.

The Miami Beach Golf Club opened for play in mid-December of 2002 under the Commission approved fees. In its first fiscal year of operation the Miami Beach Golf Club met its revenue projections and under expended its operational budget. This was accomplished through a blended number of residents, day golfers and tourists playing the course and prudent management by the Administration and Professional Course Management.

The end of 2003 fiscal year records for Miami Beach Golf Club documents the following player blend:

Total rounds played by Resident Members:	6,295 (20.5%)
Total rounds played by Member Guests:	1,744 (5.6%)
Total rounds played by Residents (non -members):	8,029 (26.3%)
Total rounds played by Tri-County Residents:	5,681 (18.5%)
Total rounds played by Tourists / Hotel Guests:	<u>8,906</u> (29.1%)
Total Players for the period of 12/21/02 – 9/30/03	30,655

Additionally, as a comparison to the 03 fiscal year's play and an indicator of the positive response to the Miami Beach Golf Club golf experience the course has documented the golf play for period of 10/1/03 to 4/30/04:

Total rounds played by Resident Members YTD:	3,502 (14.4%)
Total rounds played by Member Guests YTD:	1,036 (4.3%)
Total rounds played by Residents (non -members) YTD:	5,280 (21.7%)
Total rounds played by Tri-County Residents YTD:	3,707 (15.2%)
Total rounds played by Hotel Guests YTD:	<u>10,791</u> (44.4%)
Total Players for the period of 10/1/03 - 4/30/04	24,316

This information indicates that in the first fiscal year of operation the ratio of residents to non-residents was nearly equal. The year to date information for 2004 indicates the swing now moving more towards the tourist and non-resident day player as was anticipated in the projections completed prior to construction. It was anticipated the tourist player would assist in off-setting the cost to our resident players and this projection is now coming to fruition. Based on the information above it is reasonable to state the Miami Beach Golf Club has earned a strong position in the tourist/ hotel, as well as the local player golf market. Equally as important the Miami Beach resident golfer is very satisfied with the quality and challenge of the course, the customer service and overall golfing experience. The completion of the clubhouse and other amenities will further enhance the Miami Beach Golf Club experience. It should also be noted that in the F.Y. 04 YTD statistics the tourist/ hotel play for the first seven months of 04 is up approximately 20% over last year's total.

The new fees as recommended will increase the tourist rate by \$25.00 in winter season and \$10.00 in the summer, well within the range of rates of other courses of similar resort quality. The resident rate will be increased by \$4.00 in the winter season and \$5.00 in the summer. It is conservatively estimated that the increased fees could generate additional revenue of \$250,000 – \$300,000. The added revenue will enable the levels of customer service and maintenance standards to remain at the current standards, which are being very positively received by the golfing public and further enable the operation to properly plan for future anticipated expenditures by establishing a capital reserve for capital improvements and capital equipment replacements.

The new rates for 04 – 05 would take effect October 1, 2004 but will be advertised immediately upon approval.

Based on the proven success of the Miami Beach Golf Club to date and to ensure the funding is in place to continue its successful operation it is the Administration's recommendation that the new fees be approved as presented.

ATTACHMENT A

**MIAMI BEACH GOLF CLUB
PROPOSED FEES
FOR F.Y. 04/05**

Miami Beach Golf Rates Comparison as of May 04

<u>GOLF COURSE</u>	<u>2002/03 Rates Comparison Submitted to Commission</u>				<u>2004/05 Rates (As Available on 4/19/04)</u>		
	<u>GOLFER</u>	<u>PEAK</u>	<u>SHOULDER</u>	<u>SUMMER</u>	<u>PEAK</u>	<u>SHOULDER</u>	<u>SUMMER</u>
<i>Miami Beach Golf Club</i>	Res.	\$75.00	\$55.00	\$40.00 WD	\$79.00	\$60.00	\$45.00 WD
	S.Fl. Res.	\$90.00	\$70.00	\$55.00 WE	\$99.00	\$75.00	\$60.00 WE
	Non-Res.	\$150.00	\$90.00	\$70.00 WE	\$175.00	\$100.00	\$85.00
				\$75.00			
Crandon Golf Course @ Key Biscayne	Res.	\$71.00	\$41.00	\$15.00 WD	\$75.00		\$43.00
	Non-Res.	\$131.00	N/A	\$20.00 WE	\$135.00	N/A	\$58.00
Doral Golf Resort Blue Monster & Great White Courses	Hotel Guest	\$210.00	N/A	\$180.00	\$250.00	\$205.00	\$180.00
	Outside Play	\$235.00		\$200.00	\$275.00	\$235.00	\$200.00
Diplomat Golf Course	One Rate	\$187.00	\$125.00 WD	\$60.00	\$189.00 WD	\$135 WD	\$80.00 WD
			\$150.00 WE		\$195.00 WE	\$169 WE	\$100.00 WE
The Club at Emerald Hills	One Rate	\$115.00 WD	N/A	\$60.00	\$125.00 WD	\$75.00 WD	\$60.00 WD
		\$150.00 WE			\$150.00 WE	\$90.00 WE	\$75.00 WE
Don Shula's Golf Club	One Rate	\$139.00	\$139.00	\$134.00	\$100.00 WD	N/A	\$70.00 WD
					\$140.00 WE		\$90.00 WE
Miami International Links	County Res.	\$48.00 WD	N/A	\$33.00 WD	County Re: \$48.00 WI	N/A	\$33.00 WD
	Fla. Res.	\$58.00 WE		\$43.00 WE	\$58.00 WE		\$43.00 WE
	Non-Res.	\$58.00 WD		\$38.00 WD	Fla. Res. \$58.00 WD		\$38.00 WD
		\$68.00 WE		\$48.00 WE	\$68.00 WE		\$48.00 WE
		\$115.00		\$90.00	Non-Res. \$115.00		\$90.00

**WD = Weekday
WE = Weekend**

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. 2002-24995, WHICH ESTABLISHED A MAXIMUM SCHEDULE OF USER RATES FOR THE MIAMI BEACH GOLF CLUB, TO THE RATES DELINEATED IN ATTACHMENT "A" TO THIS RESOLUTION; SAID RATES TO BE EFFECTIVE AS OF OCTOBER 1, 2004.

WHEREAS, on September 25, 2002, the Mayor and City Commission approved Resolution No. 2002-24995, which established the schedule of user rates for the newly renovated Miami Beach Golf Club, formally known as the Bayshore Golf Course; and

WHEREAS, the aforesated rates were established based on a basic premise set by a previous City Commission, which stated that the Miami Beach Golf Club would be renovated into a high quality tourist destination that would also serve our citizens with the expectation that the revenues generated must cover the cost of the on-going operations, as well as future capital improvements and debt service on the construction loan; and

WHEREAS, in its first fiscal year of operation, the Miami Beach Golf Club met its revenue projections and under expended its operational budget through a blended number of residents, day golfers and tourists playing the course, and prudent management; and

WHEREAS, the new fees, as recommended in Attachment "A" to this Resolution, will increase the tourist rate by \$25.00 in the winter season and \$10.00 in the summer, well within the range of rates of other courses of similar resort quality; and

WHEREAS, the resident rate will be increased by \$4.00 in the winter season and \$5.00 in the summer; and

WHEREAS, the recommended fees are in line with other golf high quality golf destinations within Miami-Dade and Broward Counties; and

WHEREAS, the added revenue will enable the levels of customer service and maintenance standards to remain at the current standards, which are being very positively received by the golfing public, and further enable the operation to properly plan for future anticipated expenditures by establishing a capital reserve for capital improvements and capital equipment replacements; and

WHEREAS, the revised fees, as recommended herein and set forth in Attachment "A", were reviewed and approved by the Miami Beach Golf Advisory Board at its March 2, 2004 meeting, and were also discussed and recommended for approval by the Finance and Citywide Neighborhoods Committee at its meeting of June 1, 2004; and

WHEREAS, the new rates would take on effect October 1, 2004, but will be advertised immediately upon approval; and

WHEREAS, the F.Y. 2004/05 Miami Beach Golf Club revenue projections and operational budget were developed based on this premise.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve the amendment to Resolution No. 2002-24995, which established a maximum schedule of user rates for the newly renovated Miami Beach Golf Club, to the rates delineated in Attachment "A" to this Resolution; said rates to be effective on October 1, 2004.

PASSED and ADOPTED this 9th day of June, 2004.

MAYOR

ATTEST:

CITY CLERK

F:\\$ALL\Previous\KEVIN\Commission 2004\June 9_04\6_9 Golf Fees Ammendment Comm_Reso.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

 6-3-04
City Attorney Date

ATTACHMENT A

**MIAMI BEACH GOLF CLUB
PROPOSED FEES
FOR F.Y. 04/05**

Miami Beach Golf Rates Comparison as of May 04

<u>GOLF COURSE</u>	<u>2002/03 Rates Comparison Submitted to Commission</u>				<u>2004/05 Rates (As Available on 4/19/04)</u>		
	<u>GOLFER</u>	<u>PEAK</u>	<u>SHOULDER</u>	<u>SUMMER</u>	<u>PEAK</u>	<u>SHOULDER</u>	<u>SUMMER</u>
<i>Miami Beach Golf Club</i>	Res.	\$75.00	\$55.00	\$40.00 WD	\$79.00	\$60.00	\$45.00 WD
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<i>The Club at Emerald Hills</i>	One Rate	\$115.00 WD \$150.00 WE	N/A	\$60.00	\$125.00 WD \$150.00 WE	\$75.00 WD \$90.00 WE	\$60.00 WD \$75.00 WE
<i>Don Shula's Golf Club</i>	One Rate	\$139.00	\$139.00	\$134.00	\$100.00 WD \$140.00 WE	N/A	\$70.00 WD \$90.00 WE
<i>Miami International Links</i>	County Res.	\$48.00 WD	N/A	\$33.00 WD	County Re \$48.00 WI	N/A	\$33.00 WD
	Fla. Res.	\$58.00 WE		\$43.00 WE	\$58.00 WE		\$43.00 WE
	Non-Res.	\$68.00 WE		\$38.00 WD	Fla. Res. \$58.00 WD		\$38.00 WD
		\$115.00		\$48.00 WE	\$68.00 WE		\$48.00 WE
				\$90.00	Non-Res. \$115.00		\$90.00

WD = Weekday
WE = Weekend

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution accepting the certification of default by the Engineer and pursuant to Article 8.8 of the Contract with Regosa Engineering, Inc. (Contractor), hereby removing the prosecution of work from the hands of the Contractor; finding and declaring that an emergency situation exists with respect to the Normandy Park and Pool (Project), and waiving, by 5/7ths vote, the formal competitive bidding requirements with respect to prosecuting the remaining work to diligently complete the Project; finding such waiver to be in the best interest of the City; authorizing the City Manager to select, negotiate, and award any and all contracts, purchase orders and change orders, as necessary, relative to the purchase of all necessary goods and services necessary for the completion of the remaining work on the Project; provided that such contracts, purchase orders and change orders, Consultant additional services, and any other documents, shall be substantially in accordance with the scope of work of the current construction contract with Regosa Engineering, Inc. (Contractor), or the current Professional Services Agreement with The Corradino Group (Consultant), and shall not exceed the current amount appropriated by the City Commission for the aforesated Project, without further approval of, and ratification by the Mayor and City Commission; further authorizing the appropriate City Official to invoke the Performance Bond issued by St. Paul Guardian Insurance Company pursuant to Regosa's default on behalf of the City.

Issue:

To authorize the City Manager to select, negotiate, and award a contract to the qualified replacement contractor to complete the Normandy Park and Pool Project Construction; and also authorize the City Manager to execute additional services to the Consultant and to execute other contracts as deemed necessary to continue construction of the Project.

Item Summary/Recommendation:

The Administration recommends that the Mayor and City Commission accept the certification of default by the Engineer and pursuant to Article 8.8 of the Contract with Regosa Engineering, Inc. (Contractor), hereby remove the prosecution of work from the hands of the Contractor; finding and declaring that an emergency situation exists with respect to the Normandy Park and Pool (Project), and waiving, by 5/7ths vote, the formal competitive bidding requirements with respect to prosecuting the remaining work to diligently complete the Project; finding such waiver to be in the best interest of the City; authorizing the City Manager to select, negotiate, and award any and all contracts, purchase orders and change orders, as necessary, relative to the purchase of all necessary goods and services necessary for the completion of the remaining work on the Project.

Advisory Board Recommendation:

NA

Financial Information:

Source of Funds:		Amount	Account	Approved
	1			
	2			
Finance Dept.	Total			

City Clerk's Office Legislative Tracking:

M. Alexandra Rolandelli *[Signature]*

Sign-Offs:

Department Director	Assistant City Manager	City Manager
<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

T:\AGENDA\2004\Jun0904\Regular\Certification of Default - Regosa Summary.doc

AGENDA ITEM 27B
DATE 6-9-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 9, 2004

From: Jorge M. Gonzalez
City Manager

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE CERTIFICATION OF DEFAULT BY THE CITY ENGINEER, PURSUANT TO ARTICLE 8.8 (ENTITLED, "ANNULMENT OF CONTRACT") OF THAT CERTAIN CONTRACT ENTERED INTO BETWEEN THE CITY AND REGOSA ENGINEERING, INC. (CONTRACTOR), PURSUANT TO REQUEST FOR PROPOSALS NO. 21-00/01, FOR CONSTRUCTION OF THE NORMANDY PARK POOL FACILITY (PROJECT)(CONTRACT); FURTHER, PURSUANT TO ARTICLE 8.8 OF THE CONTRACT: (1) TAKING THE PROSECUTION OF THE WORK OUT OF THE HANDS OF THE CONTRACTOR; (2) AUTHORIZING THE APPROPRIATION OR USE OF ANY OR ALL MATERIALS AND EQUIPMENT ON THE (PROJECT) GROUND AS MAY BE SUITABLE AND ACCEPTABLE; AND (3) AUTHORIZING AND DELEGATING TO THE CITY MANAGER SUCH AUTHORITY AS SHALL BE NECESSARY FOR HIM TO ENTER INTO AN AGREEMENT FOR THE COMPLETION OF SAID CONTRACT, ACCORDING TO THE TERMS AND PROVISIONS THEREOF, OR USE SUCH OTHER METHODS AS IN HIS OPINION SHALL DEEM ADVISABLE FOR THE COMPLETION OF SAID CONTRACT IN AN ACCEPTABLE MANNER; FURTHER, IN ORDER TO EFFECTUATE THE ACTIONS TO BE TAKEN IN ITEM (3) ABOVE, WAIVING BY 5/7THS VOTE, THE COMPETITIVE BIDDING REQUIREMENT, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY, AND AUTHORIZING THE CITY MANAGER TO SELECT, NEGOTIATE, AND AWARD ANY AND ALL CONTRACTS, PURCHASE ORDERS, CHANGE ORDERS AND OTHER DOCUMENTS, INCLUDING BUT NOT LIMITED TO AN AMENDMENT TO THE CITY'S EXISTING CONTRACT WITH THE CORRADINO GROUP, INC., THE CITY'S ARCHITECT/ENGINEER FOR THE PROJECT, TO PROVIDE FOR SUCH ADDITIONAL SERVICES AS NECESSARY TO COMPLETE/ADMINISTER THE REMAINING WORK ON THE PROJECT; PROVIDED FURTHER THAT ALL OF THE AFORESTATED CONTRACTS, PURCHASE ORDERS, CHANGE ORDERS, AMENDMENTS, AND OTHER DOCUMENTS SHALL BE SUBSTANTIALLY IN ACCORDANCE WITH THE PROJECT AND THE SCOPE OF THE WORK CONTEMPLATED WITHIN THE CURRENT CONSTRUCTION CONTRACT WITH CONTRACTOR, AND SHALL NOT EXCEED THE CURRENT AMOUNT APPROPRIATED FOR THE PROJECT BY THE MAYOR AND CITY COMMISSION, AND ANY SUCH CONTRACTS, PURCHASE ORDERS, CHANGE ORDERS, AMENDMENTS, AND OTHER DOCUMENTS THAT EXCEED SAID APPROPRIATED AMOUNT SHALL REQUIRE THE APPROVAL OF THE CITY COMMISSION; FURTHER AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO INVOKE THE PERFORMANCE BOND ISSUED BY ST. PAUL GUARDIAN INSURANCE COMPANY, AS A RESULT OF CONTRACTOR'S DEFAULT UNDER THE CONTRACT.

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

ANALYSIS:

Pursuant to approval by the citizens of the \$15 Million General Obligation Bond for the improvements to the City's parks on November 8, 1994, the City contracted with The Corradino Group, Inc. (the Consultant) to develop the plans and specifications for the Normandy Park and Pool Facility Improvements (the Project). The Project was extensively reviewed by the community during the programming and design phases. Based on analysis of the projected demographic data of the region, and in order to upgrade the quality of services being offered to the community, the Administration and the City's Consultant re-evaluated the scope highlighted in the Master Plan, approved on June 19, 1996, and re-defined the program to a more comprehensive aquatic facility consisting of a pool with an aquatic play structure, and a four (4) lane lap pool with night-swimming-quality lighting. The Project included construction of new restrooms and shower facilities, multi-purpose activity building, outdoor trellis shade areas, and a concession building. Also included are a new pedestrian promenade to traverse the length of the park; new landscaping and irrigation, including a buffer between the park and the adjacent residential neighborhood; a new multi-purpose court; a decorative perimeter fence with new entry gate features; on-street parking; and sidewalk improvements.

On September 1, 2000, Invitation to Bid No. 136-99/00 was issued. From the 1,128 vendors that were notified, the City's Procurement Department received 37 requests for plans and specifications, but the three lowest responsive bids had significantly exceeded the available funding of \$2,381,206, of which \$2,175,000 was allocated for hard construction costs and the remaining balance of \$117,206 for fixtures, furnishing and equipment (FF&E), signage, playground equipment, and special inspection fees.

On January 31, 2001, the Mayor and City Commission rejected all bids and on February 21, 2001, upon recommendation of the Administration, the City Commission adopted Resolution 2001-24279 to issue a Request for Proposal (RFP) for the construction of the Project. This method of procurement allowed the Administration to do two things: negotiate with the prospective proposers if the new proposals were above the City's available funding and prioritize the construction of the Project per component, in the event the value engineering process alone was unsuccessful addressing costs, without the drastic elimination of essential architectural features and programs.

On March 20, 2002, the City Commission adopted Resolution 2002-24800, awarding the construction of the Project to Regosa Engineering, Inc., pursuant to the Request for Proposal No. 21-00/01, in the amount of \$2,264,000; and appropriated additional funds in the amount of \$389,000 to complete the construction: \$89,000 for ADA improvements and on-street parking improvements and \$300,000 to complete funding for the hard construction costs of the aquatic facility, the ramps and walkways, the perimeter fence, and the pool night swimming and security lighting. The additional items such as the multi-purpose court, soccer field renovations, and site landscaping and irrigation were not funded at the time. Notice to Proceed, essentially the commencement of construction activities, was issued to Regosa Engineering, Inc. ("Regosa") on June 9, 2002.

Since the commencement of construction, several delays related to coordination, unforeseen conditions, and deletions have arisen. Significantly, Regosa caused two (2) of the major events in the Project that delayed its completion, as described below:

On July 16, 2003, PSI, the Special Inspector for the Project, who is required by the Building code, rejected the deck slab due to the contractor's failure to follow the contract documents, i.e. the approved structural drawings. The documents call for the installation of one layer of lean concrete between the compacted soil and the specified pool deck reinforcing steel. The lean concrete has a minimum thickness of 1-1/2". The contractor did not follow the contract document directives for the installation of the specified lean concrete prior to the placement of the pool deck reinforcing steel and the placement of the pool concrete deck itself. The contractor was directed to correct the deficiencies in accordance with the contract documents. The lean concrete slab was poured and the reinforcing steel reinstalled. Concrete has already been placed for most of the pool deck, thus resolving this issue. The delay associated with this item is approximately forty-five (45) days.

On July 24, 2003, PSI notified the City that Regosa poured the pool bottom slab on grade without the required reinforcing steel inspection from the Special Inspector. In addition, the contractor did not notify the Special Inspector until the concrete placement had already started. As a result, PSI was unable to perform adequate testing of the concrete, since only the last of eight concrete trucks was sampled. Finally, the contractor did not use the specified special concrete mix nor the monolithic method of construction called for in the contract documents. Regosa removed the slab and re-formed the pool bottom and walls and placed the reinforcement in preparation for the new monolithic, shotcrete pour as specified. This concrete placement has been completed. The delay associated with this item is approximately sixty (60) days.

The overall delay, considering that the events could have been cured concurrently, affected the construction schedule by approximately sixty (60) days, which are "inexcusable" according to the contract and do not warrant additional time to the Contractor.

Although estimates of the initial delay due to the above actions are stated, it should be recognized that the full extent of the impact of these delays to the construction schedule is still under consideration, until all documentation is provided by the Contractor.

Regosa submitted a recovery schedule that was approved by the Architect and accepted by the City and a small increase in staffing was noted over the last couple of months. However, the Contractor has failed to demonstrate that the current labor force has the ability to perform both the needed remedial work on rejected items and keep up its own construction schedule. As a result progress continues to be slow with the Project now approaching fifty (50%) completion.

Adding to the problems is the fact that the contractor is still lagging behind on submittals, already exceeding the dates proposed in its last progress schedule. The lack of approved shop drawings and product approvals will only further delay construction. The Contractor's

failure to comply has and will continue to cause delays to construction. Typically, eighty (80%) percent of the submittals are provided within the first ninety (90) days of a project. As an example:

1. The plumbing for the pump room was delayed because the Contractor did not submit the appropriate Shop Drawings.
2. Reinforcing steel for the Activity Pool was delayed because the Contractor did not submit the appropriate Shop Drawings.
3. Doors and Windows have not yet been ordered because the Contractor has not submitted an appropriate Product Approval Package.

The contractor continues to work in a manner that is inconsistent with the sequence/logic reported in the construction schedule. Based on the fact that Regosa is not meeting the milestones reflected in the submitted schedule and on the available manpower being reported in the daily Observation Reports, it is clear that Project staffing is inadequate to complete the work in the time frame reported.

As a result, the City has issued two documents to Regosa Engineering, Inc.:

1. A deductive change order, Change Order No. 11, effectively removing from Regosa's contract all scope East and West of the pool facility. This work will then be completed using a contractor from the Job Order Contractor (JOC) Program, who can immediately step in and complete the scope in question.
2. A Notice of Default, pursuant to Article 8.8 – Annulment of the Contract - of the Agreement between the City and Regosa, on May 5, 2004 (attached as "Attachment 1"). The Notice of Default requested that 6 listed items be cured within ten (10) days of receipt of the Notice and that those conditions be maintained through the completion of the Project. The Notice states; "Should Regosa fail to cure said default within the specified time period, the City intends to take the necessary steps to take the prosecution of the Work out of the hands of Regosa and take any and all appropriate actions necessary to correct all defective Work and complete the Project in accordance with the contract documents."

Due to continuing delays on the Project related to continuing defective and non-conforming work, an apparent inability to maintain the Project schedule, continued insufficient staffing to complete the work, continued missing of required inspections, and outstanding shop drawings and submittals, the City issued the above noted Notice of Default. Generally, the intent of the Notice of Default was to alert Regosa of its contractual requirement to maintain its approved recovery schedule, including the provision of skilled labor and equipment to prosecute the work in a timely manner, while correcting the rejected scope. The following are the major issues Regosa was directed to comply with:

1. Provide an accurate, realistic schedule, including all appropriate documentation, that Regosa has the proper sub-contractor, supplier agreements, and personnel to meet the schedule. This schedule shall be consistent with the last complete schedule provided by Regosa in that it shall indicate a Substantial Completion date of August 30, 2004, or earlier. This does not mean that the City is granting an extension of time or waiving Liquidated Damages.
2. Provide all outstanding product submittals and shop drawings to the Architect of Record.
3. Maintain all required Project documents physically present at the job site, including but not limited to, the current, permitted set of construction drawings, Project specifications, approved and/or submitted shop drawings, approved and/or submitted product approvals, up-to-date permit card, and up-to-date RFI and Change Order logs.
4. Complete substantial progress, if not total completion, of all remedial work, presently identified by The Corradino Group as non-conforming/rejected.
5. Correct all housekeeping and safety related issues identified by the Architect of Record.
6. Increase and maintain the staffing of the Project to levels consistent with that required to complete the work in accordance with Regosa's contractually approved construction schedule.

Attached as "Attachment 2", is Regosa's May 7, 2004 response to the City's Notice of Default. Regosa's first position in their response is to declare the City in Default based on an unforeseen sight condition that happened early in the Project, a situation for which Regosa negotiated and accepted a Change Order for additional Contract time. Regosa goes on to assert that it is not in Default of the Contract and that all of the delays and/or problems on the Project are either the sole fault of the City and/or the Architect of Record. Regosa further asserts that their work product has been acceptable and that it has also been timely even though the City has not paid them timely. Among the many accusations offered by Regosa is an accusation of discrimination based on the fact that Regosa is a woman owned minority contractor. Regosa's letter does not appropriately address the items that the City directed for a cure of Regosa's Default. Further, Regosa did not actively address the City's issues in its actions at the Project site.

The City's May 25, 2004 response to Regosa's May 7, 2004 letter is attached as "Attachment 3". The City disputes Regosa's allegations and believes that the Project records will demonstrate the City's position as being factually and contractually supported. Some of the required documentation needed to demonstrate the City's position was attached to the City's Notice of Default letter of May 5, 2004 for illustrative purposes. The entire record contains numerous documents and notices to the Contractor regarding the City's final position on these matters. The City's response, however, points out contradictory statements made by the Contractor that are not substantiated, and in some

cases, such as the Contractor's assertion that it has been hampered in providing submittals by defective documents, raise totally new issues on the Contractor's part that have never been provided previously to the City. The City further rejects any assertion that it is acting in bad faith, arbitrarily, or in a discriminatory fashion.

Unfortunately the efforts noted above to get the Contractor to improve its performance have not produced positive results. Regosa has failed to perform the work with sufficient workmen and equipment to ensure prompt completion of the work; has failed to perform the work with sufficient materials to ensure prompt completion of the work; has performed the work unsuitably; has neglected to remove materials or perform anew such work as has been declared defective and unsuitable by the Engineer of Record; has failed to properly call for proper inspections required by the Contract and applicable codes; and, has failed to provide proper product submittals and shop drawings required by the Contract and by applicable law. At the present manpower level, extensive additional delays are anticipated which will contribute to the contract time due to inexcusable delays.

Certificate of Default:

The Engineer has certified Regosa Engineering, Inc. to be in default of its contract with the City ("Attachment 3"). Pursuant to Article 8.8 (entitled, "Annulment of Contract") of the Division 1/General Provisions of RFP No. 21-00/01 and associated Contract, the Administration is recommending that the City Commission remove the prosecution of the work from the hands of Regosa and authorize the City Manager, or designee, to prosecute the remainder of work. Pursuant to Article 8.8, any remaining funds in the Contract will be returned to the Contractor, or if the remaining funds are insufficient, the Contractor, after completion of the work will be required to pay the City the cost overrun. It is important to understand that the Contract is not terminated, but remains in effect. This action is consistent with the Contract requirements.

Further, in order to properly invoke the Performance Bond on the Project, the Administration is requesting that the City Commission specifically authorize the appropriate City official to make the appropriate claim to the Surety, St. Paul Guardian Insurance Company, in accordance with language of the Performance Bond and the Contract.

It should be noted that the requested action does not request the Commission to determine or make a finding of Default. By Contract, that action is assigned to the "City Engineer or his authorized assistant." The City's CIP Director, acting as an Authorized Assistant to the City Engineer, and therefore acting as the "Engineer" under the Contract's definitions has already made the finding of Default. The action before the Commission regards how to proceed with the Project now that the Contractor has been Certified in Default.

Several alternatives have been examined to proceed with the completion of the Project. Due to the amount of time Regosa has been on the Project, it is important to act in a quick and flexible manner to complete the unfinished work.

The requirement to follow the formal bidding process is estimated to take 90 to 120 days, during which no work would be able to proceed in the Project area. As a result of these unusual circumstances, the normal formal bidding process would result in further undue delays to complete the unfinished work, which would result in a hardship situation for the residents within the work area.

Although the Administration is recommending a waiver of competitive bid requirements, the Administration does follow a competitive process in choosing a replacement contractor and may not require the waiver for the Contractor portion, but is including it here in an abundance of caution. The Administration recommends completing the work with a contractor from the Job Order Contractor (JOC) Program. Even with these changes Substantial Completion is estimated for November 2004.

However, with the default, it is likely that the Consultant will need additional services to update documents and for extended Construction Administration services. The waiver would apply in this situation to specifically authorize the City Manager to extend and authorize additional services pursuant to the Consultant's agreement in order to finish the work. The waiver is recommended in order to avoid further delays to the Project. Any additional services, construction costs, and other related Project costs cannot exceed the overall appropriation by the Commission without further Commission action.

As of the writing of this memo, the Contractor has verbally requested that this item be deferred to the next City Commission meeting. It is important to note that if the item is opened and continued to July 7, 2004, 28 additional days will be added to the existing project timeline at the Contractor's current rate of progress. The monetary implications related to the extension in resolving this issue include:

1. Proliferation of work that is not in compliance with the City standards as specified in the Contract Documents - i.e.: The five sets of concrete stairs accessing the pool area have been rejected by the Architect-of-Record. One of those sets has been removed and concrete has been re-poured. The results are less in compliance than the initial defective set. The replacement of the other four sets will follow at some unknown future time.
2. Rough Plumbing is not installed accordingly to Code – i.e.: The plumbing being installed has been positioned inside the concrete block walls without strapping, and insulated with roofing paper. The Architect-of-Record will determine the acceptability of this scope of work.
3. Utilization of hand mixed concrete that does not comply with the specification on the Contract Documents. – ie.: The Contractor has started pouring the Window Sills and Concession Stand counter tops, which are being formed and poured with a hand made mixture prepared in the site without controlled methods, for which no known compaction test cylinders have been submitted for approval. The Architect-of-Record will determine the acceptability of this scope of work.

4. Extended, unprotected exposure of surfaces that are the final finishes through out the Project – i.e.: the Access Pool Deck is exposed to the elements, machinery, and materials, including the preparation of the hand mixed concrete. These surfaces are the final finishes of the Project and cannot show stains, discolorations, indentations and/or cracks. The Architect-of-Record will determine the acceptability of this scope of work.
5. Continued rejection of Work will create a cash flow problem for the Contractor, due to the fact that for the past couple months no significant amounts could be approved because the Contractor's primary activities have been addressing remedial work. This issue alone will create an unmanageable situation within the Project's team that will make very difficult to set realistic goals and time tables.

CONCLUSION:

Therefore, the Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida, adopt the resolution, and waive, by 5/7th vote, the competitive bidding requirement, finding such waiver to be in the best interest of the City for the completion of construction of the Normandy Park and Pool Project.

** Attachment Nos. 1 through 3 Note: The Attachments to the City Commission Agenda Item consist of the noted letters only. The attachments to the letters themselves have been omitted due to their length. A full packet containing the letters and all attachments were provided to the full Commission under separate cover and in relation to the Finance and Citywide Projects Committee Meeting of June 1, 2004.*

JMG/RCM/TH/JEC/ar 
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"Attachment 1"

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



CAPITAL IMPROVEMENT PROJECTS OFFICE

Telephone 305 673-7071
Facsimile 305 673-7073

May 5, 2004

Ms. Draguisa Gomero, President
Regosa Engineering, Inc.
46 NW 36th Street
Miami, FL 33127

Via Facsimile 305-576-7096 &
Certified Mail Receipt # 7000 1670 0012 2331 6007

Ms. Elizabeth Adams
St. Paul Travelers
5801 Smith Avenue
Baltimore, Maryland 21209

Via Facsimile 410- 205-0298 &
Certified Mail Receipt # 7000 1670 0012 2331 5994

Re: **CMB RFP No. 21-00/01**
Normandy Isle Park and Pool
NOTICE OF DEFAULT

Dear Ms. Gomero and Ms. Adams:

Pursuant to Article 8.8 (entitled, "Annulment of Contract") of the Division 1/General Provisions of the above referenced RFP and associated Contract, this letter shall serve as the formal notice of Regosa Engineering Inc.'s ("Regosa") default thereunder.

As is demonstrated by City records, including independent documentation provided by the Architect for the project, The Corradino Group, and by the project's Program Manager, The URS Corporation, Regosa has failed to perform the work with sufficient workmen and equipment to ensure prompt completion of the work; has performed the work unsuitably; has neglected to remove materials or perform anew such work as has been declared defective and unsuitable by the Architect/Engineer of Record; has failed to properly call for proper inspections required by the Contract and applicable codes; and, has failed to provide proper product submittals and shop drawings required by the Contract and by applicable law.

As noted above, the City is invoking Article 8.8 of the General Provisions of the Contract, which states in part as follows:

8.8 Annulment of Contract – If the Contractor fails to begin the Work under Contract within the time specified, or fails to perform the Work with sufficient workmen and equipment or with sufficient materials to ensure the prompt completion of said Work, or shall perform the Work unsuitably, or shall neglect or refuse to remove materials or perform anew such work as shall be rejected as defective and unsuitable, or shall discontinue the prosecution of the Work, or if the Contractor shall become insolvent or be declared bankrupt, or commit any act of

bankruptcy or insolvency, or allow any final judgment to stand against him unsatisfied for a period of forty-eight (48) hours, or shall make an assignment for the benefit of creditors, or from any other cause whatsoever shall not carry on the Work in an acceptable manner, the Engineer may give notice in writing to the Contractor and his Surety of such delay, neglect, or default, specifying the same, and if the Contractor, within a period of ten (10) days after such notice shall not proceed with accordance therewith, then the Board shall upon written certificate from the Engineer of the fact of such delay, neglect, or default and the Contractor's failure to comply with such notice, have full power and authority, without violating the Contract, to take the prosecution of the Work out of the hands of said Contractor, to appropriate or use any or all materials and equipment on the ground as may be suitable and acceptable and may enter into an Agreement for the completion of said Contract according to the terms and provisions thereof, or use such other methods as in its opinion shall seem advisable for the completion of said Contract in an acceptable manner. ...

Due to Regosa's continued failure to correct the aforesaid defaults, as more specifically illustrated in the attached letters from the Architect of Record for the project, The Corradino Group, and the City's Program Manager, the URS Corporation, dated March 17, 2004 and March 25, 2004, respectively, and as attached and incorporated hereto, I, as the Authorized Assistant to the City Engineer, and in accordance with Article 8.8 of the General Provisions, as set forth in pertinent part above, herein notify Regosa of its default pursuant to the above referenced RFP and Contract. Accordingly, I, as the Authorized Assistant to the City Engineer, herein expect and demand that Regosa cure all issues raised in this letter, and in the attached letters from the City's consultants for the project, within 10 days from the date of this notice, as same is set forth above.

For purposes of cure, within ten (10) days of receipt of this Notice, Regosa must:

1. Provide an accurate, realistic schedule, including all appropriate documentation, that Regosa has the proper sub-contractor, supplier agreements, and personnel to meet the schedule. This schedule shall be consistent with the last complete schedule provided by Regosa in that it shall indicate a Substantial Completion date of August 30, 2004, or earlier. This does not mean that the City is granting an extension of time or waiving Liquidated Damages.
2. Regosa must also provide all outstanding product submittals and shop drawings to the Architect of Record.
3. Regosa must also have all required project documents physically present at the job site, including but not limited to, the current, permitted set of construction drawings, project specifications, and special provisions, approved and/or submitted shop drawings, approved and/or submitted product approvals, up-to-date approved samples, up-to-date test results, up-to-date as-built drawings, up-

to-date permit card, and up-to-date RFI and Change Order logs, and up-to-date approved construction schedule and schedule of values.

4. Regosa must complete substantial progress, if not total completion, of all remedial work, presently identified by The Corradino Group as non-conforming/rejected.
5. Regosa must also correct all housekeeping and safety related issues identified by the Architect of Record.
6. Regosa must also increase and maintain the staffing of the project to levels consistent with that required to complete the work in accordance with Regosa's contractually approved construction schedule.

Should Regosa cure the stated default within the ten (10) day time period, then any such cure must be maintained through the completion of the project. Any failure to maintain strict compliance with the Contract shall constitute a material Default.

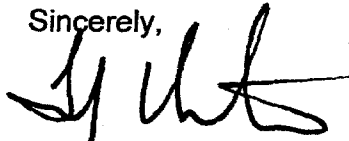
Should Regosa fail to cure said default within the specified time period, the City intends to take the necessary steps to take the prosecution of the Work out of the hands of Regosa and take any and all appropriate actions necessary to correct all defective Work and complete the project in accordance with the Contract documents.

All costs and charges incurred by the City, together with the cost of completing the Work under the RFP and the Contract, shall be deducted from any monies due or which may become due to Regosa. By this letter, the Surety is being notified of Regosa's alleged default. In case any expenses so incurred by the City in prosecuting the Work shall exceed the sum which would have been payable to Regosa pursuant to the Contract, then Regosa and its Surety, St. Paul Travelers, shall be liable and shall pay to the City the amount of said excess.

Further, the City also requests that the Surety provide a response that identifies the steps that it intends to take to assist Regosa in remedying the default identified in this notice.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

Sincerely,



Tim Hemstreet
Director

Attachments

"Attachment 2"**Regosa Engineering**

Building, Plumbing, & Mechanical Contractors

May 7, 2004

Mr. Tim Hemstreet
Director
Capital Improvement Projects Office
City of Miami Beach
City Hall
1700 Convention Center Drive
Miami, Beach, Florida 33139

Re: Normandy Isle Park and Pool
Notice of Default

Dear Mr. Hemstreet:

We are in receipt of your letter dated May 5, 2004 with regard to the above referenced subject, also addressed to our bonding company's representative, Ms. Elizabeth Adams, St. Paul Travelers.

Your letter yet another example of the City attempting to create factual issues that do not exist. Again you are attempting to push the City Of Miami Beach's problems with its defective plans for the above project onto Regosa Engineering.

The City has been in default and in breach of its contract with Regosa since day one on this project because of the following:

1. The Project was delayed from the beginning because the City had not arranged to disconnect the power for the electrical transformers delaying the project substantially.
2. The plans have been defective from the beginning of this Project and continue to be defective.
3. The plans are still being revised for conformance with current, applicable building codes and the City's changing needs and requirements.
4. The Project has been stopped a number of times by various permitting agencies because the City failed to have all necessary permitting.
5. The City still does not have all of the necessary permits for completing this Project.
6. The City improperly demanded that Regosa tear out and replace the pool slab and piling caps.
7. The City has failed time and again to timely pay Regosa.

Mr. Tim Hemstreet
Director
Capital Improvement Projects Office
May 7, 2004
Page 2

8. The City and its agents and representatives have continually interfered and delayed Regosa's work and progress.
9. The City and its agents and representatives have failed and refused to cooperate with Regosa in the performance of this Project.
10. The defective plans continue to delay Regosa's submittal process.

The above list of the City's defaults and breaches is certainly not all inclusive.

Regosa continues to suffer damages because of the actions and inactions of the City and its representatives and agents, including but not limited to:

1. Lost Revenue due to it Capital being tied up on this Project for longer than the Contract Time Period..
2. Lost Bonding Capacity.
3. Lost Profits.
4. Delay Damages.

The City's responsibility for the ongoing delays and problems on the Normandy Isle Park and Pool Project are underscored by Regosa having previously, successfully completing the Flamingo Park and Pool Project and other Projects for the City. The City's own consultants and design professionals are the parties lacking the appropriate construction and project management experience on the Normandy Isle Park and Pool Project, not Regosa.

Turning specifically to your May 5, 2004 "Notice of Default" letter, items 1-6, Regosa responds as follows:

1. As to Item 1 of page 2 of your letter, on May 5, 2004, Regosa provided an updated Schedule to the City's consultants, URS. Because the City has not cured its defaults and breaches, Regosa's manpower and subcontractor force are appropriate for the Project in its current state.
2. As to Item 2 of page 2 of your letter, Regosa has delivered its Submittals to the Architect of Record on a timely basis. Although there may be some Submittals missing or not having been approved, those Submittals do not affect the current Scheduled and Completion Date.
3. As to Item 3 of page 2 of your letter, because the plans are currently being revised by the Architect of Record, Regosa cannot have in its job trailer of a full set of construction documents. However, Regosa will continue to make every effort to have at the job site all required construction documents, if feasible and even if those documents are not complete from the City.
4. As to Item 4 of page 3 of your letter, your request that "Regosa must complete substantial progress, if not total completion, of all remedial work" is vague. Although on

Mr. Tim Hemstreet
Director
Capital Improvement Projects Office
May 7, 2004
Page 3

the approved Schedule, Regosa showed November 2004 as the Completion Date, Regosa has updated the Schedule with its ongoing progress to show a Completion Date of August 2004.

5. As to Item 5 of page 3 of your letter, Regosa continues to provide cleanup on the Project even though the City has failed to timely pay Regosa. Safety has always been a priority for Regosa and Regosa will; continue to enforce good safety practices on the Project.

6. As to Item 6 of page 3 of your letter, the Project has been properly manned from the beginning as evidenced by the City's and Regosa's daily job reports. Based upon the continuing problems with the City and its representatives and agents, as outlined above, Regosa has always had the proper manpower on the Project.

The above discussion again demonstrates that the City's bad faith and commercially unreasonable actions towards Regosa on this project and under their construction contract. It is becoming more and more clear to Regosa that the City is acting in a discriminatory manner against Regosa, a woman owned minority enterprise.

Therefore, based upon Regosa's responses herein, Regosa respectfully requests that the City immediately withdraw its unwarranted "Notice of Default", notify Regosa's bonding company that the "Notice of Default" has been withdrawn and immediately pay Regosa its long outstanding monthly pay applications. Also, Regosa hereby demands that the City cure its defaults and breaches as set forth above.

By writing this letter it is not our intent to waive any of the rights, claims or defenses of Regosa Engineering, Inc., and all such rights, claims and defenses are expressly reserved.

Thank you.

Sincerely yours,


Dragnisa Romero, President
Regosa Engineering, Inc.

cc: Elizabeth Adams

"Attachment 3"

CITY OF MIAMI BEACH

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www.miamibeachfl.gov



Capital Improvement Projects Office

Telephone 305 673-7071
Facsimile 305 673-7073

May 25, 2004

Ms. Draguisa Gomero, President
Regosa Engineering, Inc.
46 NW 36th Street
Miami, FL 33127

**VIA FACSIMILE 305-576-7096
& CERTIFIED MAIL 7000 1670 0012 2331 5970**

Ms. Elizabeth L. Adams
Associate Claim Attorney Surety
St. Paul Guardian Insurance Company
MC41
5801 Smith Avenue
Baltimore, MD 21209

**VIA FACSIMILE (410) 205-0605
& CERTIFIED MAIL 7000 1670 0012 2331 5963**

RE: CERTIFICATION OF DEFAULT – Contract No. 21-00/01

Dear Ms. Gomero and Ms. Adams:

The City is in receipt of Regosa Engineering, Inc.'s ("Regosa") letter dated May 7, 2004, sent via facsimile on May 10, 2004 at 9:09AM, which appears to be a response to the City's Notice of Default of May 5, 2004.

Please be advised that neither Regosa's letter of response, nor Regosa's actions subsequent to receiving the City's Notice of Default, provide a cure to Regosa's Default as specified in the City's formal notice. Therefore, pursuant to the authority granted in Article 8.8 of the Contract, I, as the Authorized Assistant to the City Engineer, hereby certify Regosa Engineering, Inc. in default of its Contract.

Notwithstanding, the aforesated Certification of Default, the City takes issue with a number of the statements offered by Regosa in its May 7, 2004 letter as they are either accusatory, without any substantiation or blatantly false. The City's issues are identified below.

The City rejects any assertion that it "has been in breach of the contract with Regosa Engineering since day one on this project". Ten points were listed in Regosa's May 7, 2004 correspondence that allegedly supports Regosa's assertions of a City default. The City's response to each point is listed below in the order presented by Regosa:

1. "The Project was delayed from the beginning because the City had not arranged to disconnect the power for the electrical transformers delaying the project substantially."

N-NIPK&Pool-01c - 05252004-TH

The project was delayed due to an unforeseen site condition relative to electrical service for traffic signals being routed through the existing pool's electrical vault. This condition was unknown to the City and to the Architect of Record and was not documented in any drawings or documents that the City either had access to or had in its possession. The condition therefore could not have been foreseen by the Architect or the City. The matter was resolved after involving FDOT, Miami-Dade County, and FPL, none of whom are the City. It is one of these three parties that re-routed the electrical service to the traffic signals.

Additionally, Regosa, as opposed to issuing to the City a "Notice of Default", instead accepted and signed Change Order Number 2, which extended the contract time by 84 days, with respect to this matter. Considering that the City and Regosa agreed to a time extension at the time, the City considers this matter closed and not a basis for further consideration.

2. "The plans have been defective from the beginning of the Project and continue to be defective."

The construction drawings for this project have undergone permit review by the respective regulatory agencies and proper permits have been issued for this project. Regosa provided a responsive bid to the City's Request for Proposals, as did other qualified contractors. Additionally, prior to commencing this project Regosa participated in a "value engineering" exercise wherein Regosa identified cost savings proposals, conflicts between disciplines, and other comments that indicate an exhaustive review of the construction drawings on the part of Regosa. Notably, the City implemented several of Regosa's recommended changes to the Project. Regosa even based its final price for the project following the "value engineering" exercise and its exhaustive review of the Construction Documents. Also notably, Regosa did not specify any concern regarding the quality of the documents despite its complete and thorough review of them.

However, in the interest of fairness, the City will consider specific examples of defects if so provided by Regosa.

3. "The plans are still being revised for conformance with current, applicable building codes and the City's changing needs and requirements."

As Requests for Information (RFIs), Shop Drawings, Submittals, and requests by the Contractor to the Architect to accept substitutions have come in; some adjustments to the construction drawings have been required. This is normal in the construction process and happens on every job. The plans were designed in accordance with Building Codes applicable at the time of submittal. The plans were submitted, reviewed and approved as evidenced by the fact that the building permit was issued. As time has passed and the City's needs changed, the City has initiated some Change Orders, which have been accepted by Regosa, along with

associated adjustments to the construction documents. These adjustments to the construction documents, as noted above, have been done in accordance with the appropriate provisions within the Contract, and as such, although unknown at the time of execution were contemplated to the extent that a process was identified in the Contract to address these issues. Regosa's assertion that this is somehow a Default by the City is non-sensical and demonstrates a lack of knowledge of the not only the Contract, but general construction practices as well.

4. "The project has been stopped a number of times by various permitting agencies because the City failed to have all necessary permitting."

Pursuant to the Contract, it is Regosa's responsibility to secure all necessary permits to build the project. The City secured pre-bid permit approvals as appropriate at the time. To the City's knowledge, the project has been stopped one time by a permitting agency. This single Stop Work Order was issued on November 21, 2003 by the Building Department. The Stop Work Order was issued due to Regosa's decision to work in areas of the project where the construction drawings were being adjusted by the Architect pursuant to an RFI issued by Regosa. The specific issues were identified by Regosa as needing attention by the Architect, a position with which the Architect agreed. The Architect subsequently issued proposed adjustments to Regosa for pricing and evaluation in response to the RFI and therefore Regosa knew that the area should not be worked in until the problems identified were resolved.

Yet, for some unknown reason, Regosa chose to work in these areas that Regosa knew was not yet approved by the Building Department. During a December 1, 2003 meeting with the Building Official, Philip Azan, where the Stop Work Order was lifted, the issuing inspector, Mr. Andy Villareal, stated that the Stop Work Order was issued because "Regosa was working on revisions that had not yet been approved, using documents stamped 'Not for Construction.'" Mr. Villareal further stated that Regosa's Project Manager, Conrado Rocha, reported to him that "there were no approved drawings on site for the work being performed" and showed him several sheets stamped "Not for Construction" that were issued by the Architect in response to Regosa's RFI, which were undergoing permit review in the Building Department.

Additionally, the statement made by Mr. Rocha regarding Regosa's failure to have a set of permitted documents on the jobsite is not in any way the fault of the City. Regosa was provided a permitable set of construction documents from which Regosa acquired permits for the project. The fact that Regosa either did not have them at the jobsite, or alternatively was not building from them, is an issue that is entirely within Regosa's control. As it relates to the work that was the subject of Regosa's RFIs, Regosa knew that these were areas where work should not proceed and knew that these were issues that were in the process of being resolved by the Architect. It was clearly Regosa's choice to proceed as it did.

If there are other Stop Work Orders which we have overlooked, please provide evidence of such so that we may properly address the issue.

5. "The City still does not have all of the necessary permits for completing this Project."

As noted above, pursuant to the Contract, it is Regosa's responsibility to secure the proper permits for the project. The construction drawings provided to Regosa by the City were submitted, reviewed, and approved by the respective permitting agencies as evidenced by the fact that Regosa secured the permits necessary to construct the job. Notwithstanding, if Regosa believes that there is some type of "permit" that is the responsibility of the City to obtain, please identify the "permit" and the associated Contract article that identifies such as the City's responsibility.

6. "The City improperly demanded that Regosa tear out and replace the pool slab and piling caps."

The lap pool was not installed monolithically and with either shotcrete or gunnite as required by the Construction Drawings and Technical Specifications. As a result, work was rejected by the Architect and by the City as non-conforming and unsuitable. It should be noted that the City advised Regosa that the work was non-conforming prior to Regosa proceeding with the concrete installation. For an unknown reason, Regosa proceeded with its concrete installation knowingly in violation of the construction documents. The City acted properly and in accordance with the Contract in rejecting the non-conforming and unsuitable installation.

7. "The City has failed time and again to timely pay Regosa."

The City has consistently paid Regosa within the Contract mandated timeframe following the submittal of a Contract compliant pay application. In many, if not most cases, pay applications have been returned to Regosa due to the pay application being incomplete and not in compliance with the Contract. Typically, Regosa's pay applications are missing required supporting documents, such as updated progress schedules, releases of liens, consent of surety, etc., which are Regosa-generated delays to the payment process. Obviously, these required attachments to the pay applications are the responsibility of the Contractor. As a public entity, the City is required to ensure that pay applications comply with the Contract before payment can be released.

8. "The City and its agents and representatives have continually interfered and delayed Regosa's work and progress."

The City categorically rejects any assertion that it has interfered with and/or delayed Regosa's work. If Regosa continues to make this assertion, then please provide

specific examples of alleged interference and/or delay so that the City may respond more directly.

9. "The City and its agents and representatives have failed and refused to cooperate with Regosa in the performance of this Project."

The City is unaware of any instances of failure or refusal to cooperate. Please provide specific references to alleged instances of the City's failure or refusal to cooperate in the performance of this project along with the applicable Contract article of which Regosa asserts the City is in violation.

10. "The defective plans continue to delay Regosa's submittal process."

It is the responsibility of Regosa to make submittals in a timely manner, typically in the first ninety (90) days of the project. If Regosa believes that inconsistencies in the documents are impeding the submittal process, then Regosa's responsibility is to submit an RFI to gain clarification and make the appropriate submittal. This is the first time that Regosa has advised the City that Regosa believes itself unable to process its submittals due to alleged "defective plans" despite being on the job for over six-hundred (600) days.

As such, pursuant to the Architect -of-Record's "Request and Answer Log", reviewed for the last time at the Construction progress meeting of May 24, 2004, there are no RFI's open or pending response. The Log shows that Regosa's last RFI was No. 106, dated March 26, 2004 and responded by The Corradino Group on April 2, 2004.

In response to Regosa's discussion of the City's requirements for Regosa to cure Regosa's default, the following is offered:

1. The City rejects any assertion that it is in default of the Contract with Regosa. The City and its Agents do not agree with Regosa that the staffing and subcontractor force on the project are appropriate based on the fact that Regosa is not meeting milestones in its construction schedule. Staffing remains deficient.
2. Regosa has failed to provide all outstanding product submittals and shop drawings to the Architect of Record.
3. Regosa has not maintained the required project documents physically present at the job site as specified in the Contract and outlined in the Notice of Default.
4. Regosa has failed to make any progress on any of the remedial work items previously identified in writing by the Architect of Record.

Ms. Draguisa Gomero & Ms. Elizabeth Adams
Page 6 of 6
May 25, 2004

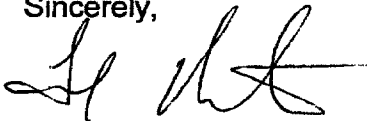
5. Regosa has continually failed to properly address basic housekeeping and safety related issues identified in writing by the Architect-of-Record. This includes all workers properly wearing and/or using approved safety equipment such as steel toed boots, hardhats, safety harnesses when working overhead, etc. As recently as Monday, May 10, 2004 workers were observed on site absent such gear.
6. Regosa continues to fail to maintain staffing of the project at levels consistent with that required to complete the work in accordance with Regosa's contractually approved construction schedule. As of this date, Regosa continues to miss milestone dates in the most recently updated schedule; therefore, we must conclude that the staffing levels are insufficient to complete the work in accordance with the contractually approved construction schedule.

The City rejects any assertion that it, or its agents, have acted in bad faith and categorically rejects any allegation of discrimination. The Notice of Default was issued as a result of Regosa's continued documented failure to perform on the project.

As noted above, Regosa stands Certified in Default. Please be advised that the City intends to exercise its rights in Article 8.8 of the Contract as noted in it previous Notice of Default.

If you have additional questions or concerns, feel free to contact me directly at 305-673-7071.

Sincerely,



Tim Hemstreet
Director

Attachment: Regosa Engineering, Inc. letter dated May 7, 2004.

C (with attachment): Murray Dubbin, City Attorney
Rhonda Montoya Hasan, Senior Assistant City Attorney
Jorge Chartrand, Assistant Director – CIP
Alexandra Rolandelli Senior Capital Projects Coordinator
Jose Vega, The Corradino Group
Todd Osborn, URS Corporation
Nestor Fernandez, URS Corporation
Steve Siegfried, Seigfred, Rivera, Lerner, De La Torre, & Sobel, P.A.

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RESOLUTION TO BE SUBMITTED

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution appropriating \$288,800 from Parking Enterprise Funds to execute a contract change order with RIC-MAN International, Inc. (RMI) to design and install the new City approved Poulsen Satellit Maxi light fixtures as part of the Washington Avenue Improvements – Phase 2, 4 and 5 (The project)

Issue:

Shall the City appropriate \$ 288,800 from the Parking Enterprise Fund to fund "Satellit Maxi" Poulsen lights for the Washington Avenue Streetscape Improvements Project?

Item Summary/Recommendation:

The City has been pursuing the improvement of Washington Avenue in recognition of its status as one of the City's significant pedestrian and vehicular thoroughfares. A Master Plan consisting of five phases of improvements was previously developed and partially implemented. Phases 1 (sidewalk, roadway, and drainage improvements, and the planting of coconut trees from 6th to 11th Streets) and 3 (reconstruction of the medians and the installation of shade trees, landscaping, irrigation, and pavers from 6th to 16th Streets) have been completed. Planning for the remaining phases 2, 4, and 5 have been underway for some time. The scope consists of the following: Phase 2 - curb, gutter and sidewalk replacement, drainage and paving improvements, new street lighting and the planting of coconut trees from 11th to 16th Streets; Phase 4 - roadway and drainage improvements and new street lighting from 6th to 11th Streets; Phase 5 - curb, gutter and sidewalk replacement, roadway and drainage improvements, street lighting, planting of coconut trees and median landscaping from 5th to 6th Streets, and median landscaping from 16th Street to Lincoln Road. The City determined that a design-build approach would be the best method for expediting the completion of these remaining phases of the project. A Design Criteria Package (DCP), required by State Statute in a design / build process, was prepared by the City's ROW Improvements Program Manager, Hazen & Sawyer, and includes conceptual construction drawings and technical specifications.

On January 14, 2004 The City Commission adopted Resolution # 2004-25463 to enter into a GMP with the design/build firm Ric-Man International, Inc. (RMI).

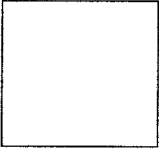
During the design phase of this project, it was determined that the City desired to change the street light fixture specified in the Project plans. The City staff evaluated numerous styles and selected the style used for the Lincoln Road renovation, the "Satellit" fixture manufactured by the Poulsen lighting company, to be used as a second City standard street light fixture. RMI has submitted a change order to replace the acorn street light fixtures specified in the Project plans to the Poulsen "Satellit" street light fixture. The total funding that will be required to replace the acorn fixtures with the Poulsen "Satellit" fixtures is \$387,000. Of this amount, \$31,800 is eligible for funding through the South Pointe RDA and \$66,400 is eligible for funding through the City Center RDA. The remaining \$ 288,800 required will be appropriated from Parking Enterprise Funds. The proposed Parking Enterprise Funds would fund parking related improvements and the funds currently funding the parking improvements would be utilized to fund the switch to Poulsen fixtures.

The Administration recommends approval of the resolution.

Advisory Board Recommendation:

NA

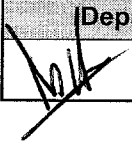

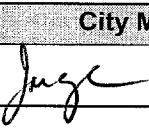
Financial Information:

Source of Funds:	Amount		Account	Approved
 Finance Dept.	1	\$ 288,800	Parking Enterprise Funds	
	2	\$ 31,800	South Pointe RDA	
	3	\$ 66,400	City Center RDA	
	4			
	5			
	Total	\$ 387,000		

City Clerk's Office Legislative Tracking:

Diana Kamenel Trettin

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

AGENDA ITEM

27C

DATE

6-9-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 9, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA APPROPRIATING \$288,800 FROM PARKING ENTERPRISE FUNDS TO EXECUTE A CONTRACT CHANGE ORDER WITH RIC-MAN INTERNATIONAL, INC. TO DESIGN AND INSTALL THE NEW CITY APPROVED POULSEN SATELLIT LIGHT FIXTURES AS PART OF THE WASHINGTON AVENUE IMPROVEMENT PROJECT – PHASES 2, 4 AND 5 (THE PROJECT).**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

The Administration recommends appropriating funding in the amount of \$288,800 from the Parking Enterprise Funds. Washington Avenue presently has parking lanes on the right edge of pavement in both directions. These parking lanes are currently generally funded through other funding sources approved for above-ground improvements. By utilizing Parking Enterprise Funds to fully fund the parking related improvements, the other funding sources presently utilized for that purpose can be shifted to fund the incremental add for the switch to the Poulsen fixture. However, alternate funding sources exist if the Commission chooses not to fund these improvements from the Parking Enterprise Funds. These alternates are: South Beach Resort Tax and the Half Penny Gas Tax.

ANALYSIS

The City has been pursuing the improvement of Washington Avenue in recognition of its status as one of the City's most important pedestrian and vehicular thoroughfares. A Master Plan consisting of five phases of improvements was developed in 1999. The Master Plan phases are as follows:

- Phase 1- The area from 6th to 11th Streets which consisted of sidewalk, roadway and drainage improvements, and the planting of coconut trees. This construction was completed several years ago;
- Phase 2 – The area from 11th to 16th Streets which includes curb, gutter and sidewalk replacement, drainage and paving improvements, new street lighting and

- the planting of coconut trees;
- Phase 3 – The area from 6th to 16th Streets which consisted of the reconstruction of the medians and the installation of shade trees, landscaping, irrigation, and pavers. This work was completed several years ago;
- Phase 4 – The area from 6th to 11th Streets which includes roadway and drainage improvements, and new street lighting;
- Phase 5 – The area from 5th to 6th Streets includes curb, gutter and sidewalk replacement, roadway and drainage improvements, street lighting, planting of coconut trees and median landscaping.

Planning for phases 2, 4, and 5 was underway for an extended period of time. The City determined that a design-build approach would be the best method for expediting the completion of these remaining phases of the project. The City's typical process begins with the City hiring an A/E firm to plan and design a project and then a construction firm to build the project. Under the design-build approach, one project consultant team with both design and construction expertise and qualifications prepares construction documents and constructs the project.

A Design Criteria Package (DCP), required by State Statute in a design/build process, for the project was prepared by the City's ROW Improvements Program Manager, Hazen & Sawyer. The DCP includes conceptual construction drawings and technical specifications for the civil, electrical and landscaping disciplines. The City obtained a number of required project permits from the various permitting agencies. Remaining construction design tasks include the revision/incorporation of the City's master Division 1 technical specifications; sanitary sewer gravity collector replacement at 6th and 8th Streets; revision/modifications at the intersection of Washington Avenue and Espanola Way to incorporate "bump-outs"; landscaping plan revisions to the Washington Avenue median between 5th and 6th Streets and between 16th Street and Lincoln Road; installation of a landscaped median on Lincoln Road between Washington and Collins Avenue; and plan revisions to accommodate the City's construction sequence restrictions.

On January 14, 2004, the City Commission adopted Resolution 2004-25463 to enter into a Guaranteed Maximum Price (GMP) Contract with the design-build firm, Ric-Man International, Inc. (RMI) for the Washington Avenue Improvement Project. Ric-Man International, Inc. will be responsible for the design, construction, and construction management of the Project.

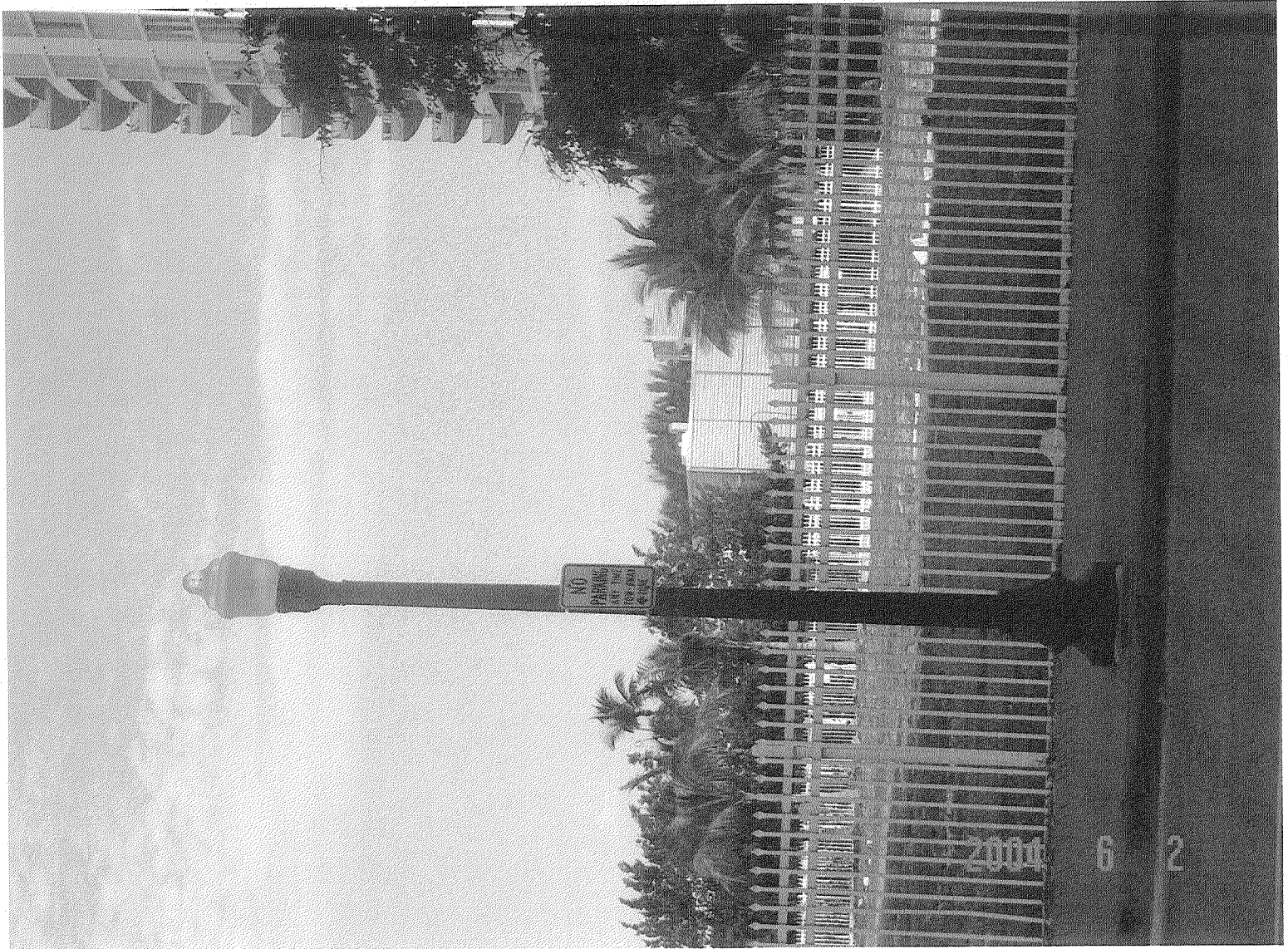
During the design phase of this project, it was determined that the City desired to change the street light fixture specified in the Project plans. For many years, the City standard street light fixture has been the black acorn style fixture (Attachment 1). In recent years, members of the community and City staff have expressed a need to identify a second street light fixture that is compatible with the City's diverse architectural styles. This year, City staff evaluated numerous fixture styles and selected the style used for the Lincoln Road renovation, the "Satellit Maxi" fixture (Attachment 2) manufactured by the Poulsen

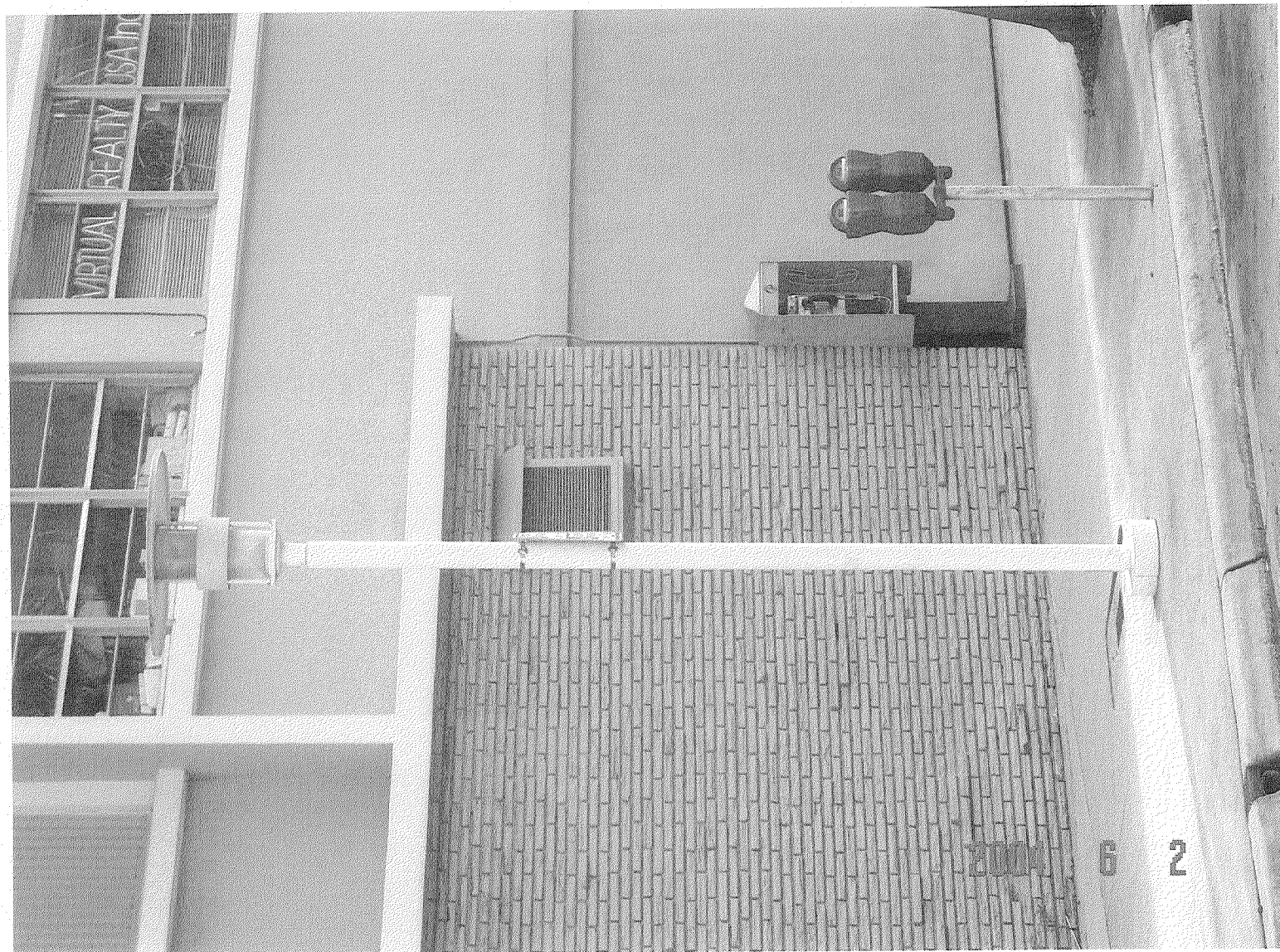
lighting company, to be a second City standard street light fixture. In general, this fixture will be used in the City's commercial districts which include Washington Avenue.

RMI has submitted a change order to replace the acorn street light fixtures specified in the Project plans to the Poulsen "Satellit" street light fixture. The Poulsen "Satellit Maxi" fixtures cost approximately \$1,000 more each than the previously specified acorn fixtures and the project requires approximately 174 fixtures; therefore an increase of \$174,000 is required to exchange the acorn fixtures for the Poulsen "Satellit Maxi" fixture. In addition, the photometric standards of the Poulsen "Satellit Maxi" fixture are different from those of the acorn fixture, and 34 additional "Satellit Maxi" fixtures will be required to achieve the same lighting level as would be provided by the originally specified acorn fixtures. The cost to furnish and install 34 additional Poulsen "Satellit Maxi" fixtures at \$5,500 each is \$187,000. The cost of the revision to the lighting design required for the proposed light fixture substitution is \$26,000. The total additional funding that will be required to replace the acorn fixtures with the Poulsen "Satellit Maxi" fixture is \$387,000. Of this amount, \$31,800 is eligible for funding through the South Pointe RDA, and \$66,400 is eligible for funding through the City Center RDA. The Administration recommends the remaining \$288,800 required be appropriated from Parking Enterprise Funds.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the attached resolution which appropriates funding for the change order to change the previously specified acorn street light fixtures to Poulsen "Satellit Maxi" street light fixture for the Washington Avenue Improvement Project.





RESOLUTION TO BE SUBMITTED

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

Group Employee Benefits (medical, dental, flexible spending accounts and voluntary benefits) for plan year beginning October 1, 2004.

Issue:

Should the City renew with Humana for group medical, CompBenefits for group dental, renew the contract with Fringe Benefits Management Co. for the flexible spending program and renew the contract with The Comprehensive Companies for voluntary benefits for City employees?

Item Summary/Recommendation:

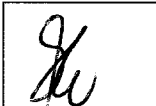
The City Administration recommends that the Commission accept the recommendations of the Gallagher Benefits Services, the City's consultant for group health care for employees, and renew with Humana for medical coverage with a 4.44% increase to the high option PPO and HMO and no increase for the POS and low option PPO and HMO plans; renew with CompBenefits for dental coverage with no increase in premium; renew the contract that was executed October 2003 with Fringe Benefits Management for flexible spending programs for a second year with no increase to the administrative fee; and renew the contract that was executed October 2003 with the Comprehensive Companies to provide voluntary benefit programs to employees at no cost to the City.

Advisory Board Recommendation:

The Group Insurance Board agrees with the recommendations of the Administration and Gallagher Benefit Services.

Financial Information:

Source of Funds:		Amount	Account	Approved
	1	7,000,000.00	Medical	
	2	300,000.00	Dental	
	3	8,000.00	Flex. Spending	
	4			
	Total	7,308,000.00		

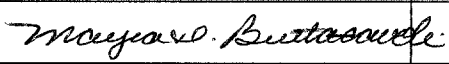
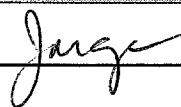


Finance Dept.

City Clerk's Office Legislative Tracking:

Mayra Diaz Buttacavoli

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

F:\HUMA\Sall\COMM-SUMMARY\summary-gp employee benefits 04-05.doc

AGENDA ITEM

R7D

DATE

6-9-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: 6/09/04

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS, AND IF SUCCESSFUL, FURTHER AUTHORIZING RENEWAL WITH HUMANA, THE CITY'S CURRENT PROVIDER OF GROUP MEDICAL INSURANCE FOR EMPLOYEES, WITH A 4.44% INCREASE FOR THE HIGH HMO & HIGH PPO AND NO INCREASE FOR THE POS, LOW HMO AND LOW PPO PLANS, FOR A ONE-YEAR PERIOD, EFFECTIVE ON OCTOBER 1, 2004, FOR AN ESTIMATED ANNUAL AMOUNT NOT TO EXCEED \$14,000,000, WITH THE CITY'S OPTION TO RENEW FOR ONE ADDITIONAL YEAR IF THE ANNUAL COMBINED INCREASE IS LESS THAN 5%; AUTHORIZING THE ADMINISTRATION TO RENEW WITH COMPBENEFITS, THE CITY'S CURRENT GROUP DENTAL PROVIDER FOR EMPLOYEES, FOR A ONE-YEAR PERIOD, EFFECTIVE ON OCTOBER 1, 2004, WITH NO PREMIUM INCREASE AND AN ESTIMATED ANNUAL AMOUNT NOT TO EXCEED \$600,000, WITH THE CITY'S OPTION TO RENEW FOR ONE ADDITIONAL YEAR IF THE ANNUAL COMBINED INCREASE IS LESS THAN 3%; AUTHORIZING THE ADMINISTRATION TO RENEW FOR THE YEAR 2004-05 WITH FRINGE BENEFITS MANAGEMENT COMPANY TO ADMINISTER THE CITY'S FLEXIBLE SPENDING PROGRAM AND FOR TWO SUBSEQUENT ONE YEAR PERIODS AT THE SAME PER-EMPLOYEE MONTHLY ADMINISTRATIVE FEE OF \$4.50, AS PROVIDED IN THE CITY'S CONTRACT WITH THE FRINGE BENEFITS MANAGEMENT COMPANY OF OCTOBER 1, 2003; AUTHORIZING THE ADMINISTRATION TO RENEW FOR THE YEAR 2004-05 WITH THE COMPREHENSIVE COMPANIES, INC. TO ADMINISTER THE CITY'S VOLUNTARY BENEFITS PROGRAM FOR THOSE PLANS OFFERED TO EMPLOYEES AT NO COST TO THE CITY, AND FOR SUBSEQUENT CONSECUTIVE ONE YEAR RENEWAL TERMS, UNLESS OTHERWISE TERMINATED AS PROVIDED IN THE CITY'S CONTRACT WITH THE COMPREHENSIVE COMPANIES, INC. OF OCTOBER 1, 2003.**

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

ANALYSIS:

MEDICAL:

Humana, the City's current provider of Group Medical Insurance for its employees and retirees, has offered renewal rates of 4.44% for the High Option HMO and PPO and no increase for the POS and Low Option HMO and PPO, resulting in a straight line percentage increase of 1.78%. This is a minimal increase in light of the upward trends that continue to affect health insurance, with the nationwide averages being between 10 and 14%. The Administration recommends accepting the renewal rates offered and continuing with the plan options and contribution percentages established and approved by Commission for the plan year effective October 1, 2003. The High Option plans are available at a contribution rate by the City of 50%. The Low Option plans are available to Unclassified, Others, and GSA at a contribution level of 75% for employee coverage and 60% for family coverage. Participation in the Low plans by members of C.W.A. and A.F.S.C.M.E. are subject to negotiation. When the new HMO and PPO low option plans were introduced for the October 1, 2002 plan year, C.W.A. and A.F.S.C.M.E. declined to offer these plans to their members. The attached chart (Attachment A) indicates the new monthly premiums for employees covered under the City's medical plan.

The City estimates that it will contribute an additional \$ 553,000.00 to the Fraternal Order of Police Health Trust for fiscal year 2004-05 and approximately \$370,000.00 to the Florida Fire Fighters Insurance Trust Fund as a result of this years successful negotiation with the F.O.P. and the I.A.F.F.

DENTAL:

CompBenefits, the City's current provider of Group Dental Plans for its employees and retirees, has offered renewal rates at no increase over the premiums established in the contract effective October 1, 2003. The Administration recommends renewal with CompBenefits.

The City offers a Dental HMO and a Dental PPO, contributing 50% towards the premium. Last year the City added a third plan - the Elite 400 – that is another PPO and available to the groups Unclassified, Others and GSA. Members of the Fraternal Order of Police will have the option of enrolling in the Elite plan this year (IAFF members have their own coverage as part of their Trust). This plan provides higher benefits to employees, at a higher cost. The City contributes 50% of the premium of the base PPO and employees "buy up" if they wish to participate in this plan. Participation in the Elite 400 by members of C.W.A. and A.F.S.C.M.E. is subject to negotiation. The attached chart (Attachment A) indicates the monthly premiums.

FLEXIBLE SPENDING PROGRAM:

The City currently has a flexible spending program for members of the groups Unclassified and Others. This program offers a medical spending account and/or a dependant care account that allows employees to set aside pre-tax dollars, on a fiscal year basis, to assist with healthcare expenses not covered under their health insurance and dependant care related expenses as defined by the IRS. As a result of successful bargaining with F.O.P.,

I.A.F.F. and G.S.A., this program will be offered to these groups.

October 1, 2003 a contract was established with Fringe Benefits Management Company to administer the plans for a monthly per individual fee of \$4.50 and for two subsequent one year periods at the same per-employee monthly administrative fee. For the last two years, and again this year, the City will pay this monthly administrative fee. The Administration recommends continuing the current contract with Fringe Benefits Management Co.

VOLUNTARY BENEFITS:

The City currently offers several voluntary benefit plans to employees. These plans are fully paid for by the employee; however the City allows the premiums to be payroll deducted.

October 1, 2003 a contract was established with The Comprehensive Companies, Inc. to administer the City's voluntary benefit program for the year, allowing subsequent consecutive one year terms unless otherwise terminated as provided in the contract. The City will continue to review various voluntary benefits and offer those that it feels are valuable to its employees. The Administration recommends continuing the contract with The Comprehensive Companies.

SUMMARY:

The City Administration recommends that the Commission accept the recommendations of the Gallagher Benefits Services, the City's consultant for group health care for employees, the recommendation of the Group Insurance Board, and renew with Humana for medical coverage with a 4.44% increase to the high option PPO and HMO and no increase for the POS and low option PPO and HMO plans; renew with CompBenefits for dental coverage with no increase in premium; continue the contract that was executed October 2003 with Fringe Benefits Management for flexible spending programs for a second year with no administrative fee increase; and continue the contract that was executed October 2003 with the Comprehensive Companies to provide voluntary benefit programs to employees at no cost to the City

JMG:MDB:ph

**MONTHLY RATES FOR GROUP EMPLOYEE MEDICAL AND DENTAL INSURANCE
OCTOBER 1, 2004**

EMPLOYEE MONTHLY RATES FOR MEDICAL INSURANCE					
CURRENT RATE/ (THRU 9/30/04)		NEW RATE EFFECTIVE 10/1/04		MONTHLY	MONTHLY
HIGH OPTION HMO		HIGH OPTION HMO		CITY COST	TOTAL PREMIUM
EMPLOYEE (50%)	\$167.96	EMPLOYEE (50%)	\$175.42	\$ 175.43	\$ 350.85
FAMILY (50%)	\$416.33	FAMILY (50%)	\$434.81	\$ 434.82	\$ 869.63
POS		POS			
EMPLOYEE (50%)	\$215.88	EMPLOYEE (50%)	\$215.88	\$ 215.88	\$ 431.76
FAMILY (50%)	\$535.65	FAMILY (50%)	\$535.65	\$ 535.66	\$ 1,071.31
HIGH OPTION PPO		HIGH OPTION PPO			
EMPLOYEE (50%)	\$342.06	EMPLOYEE (50%)	\$357.25	\$ 357.26	\$ 714.51
FAMILY (50%)	\$839.24	FAMILY (50%)	\$876.50	\$ 876.51	\$ 1,753.01

LOW OPTION HMO		LOW OPTION HMO			
EMPLOYEE (35%)	\$77.58	EMPLOYEE (25%)	\$77.58	\$ 232.74	\$ 310.32
FAMILY (50%)	\$307.00	FAMILY (40%)	\$307.00	\$ 462.15	\$ 769.15
LOW OPTION PPO		LOW OPTION PPO			
EMPLOYEE (35%)	\$151.63	EMPLOYEE (25%)	\$151.63	\$ 454.88	\$ 606.51
FAMILY (50%)	\$592.40	FAMILY (40%)	\$592.40	\$ 895.66	\$ 1,488.06

MONTHLY RATES FOR DENTAL INSURANCE					
	CURRENT RATE		Rate		
	10/01/03-9/30/04		10/01/04-9/30/05		
DMO (50%)		DMO (50%)			
Employee	\$5.05	Employee	\$5.08	\$ 5.08	\$ 10.16
Employee + 1	\$9.48	Employee + 1	\$9.48	\$ 9.48	\$ 18.96
Family	\$12.33	Family	\$12.33	\$ 12.33	\$ 24.66
PPO (50%)		PPO (50%)			
Employee	\$11.35	Employee	\$11.35	\$ 11.35	\$ 22.70
Employee + 1	\$21.89	Employee + 1	\$21.89	\$ 21.89	\$ 43.78
Family	\$33.55	Family	\$33.55	\$ 33.55	\$ 67.10
PPO ELITE 400		PPO ELITE 400(buy up from PPO amt.)			
Employee	\$18.23	Employee	\$18.23	\$ 11.35	\$ 29.58
Employee + 1	\$35.15	Employee + 1	\$35.15	\$ 21.89	\$ 57.04
Family	\$53.87	Family	\$53.87	\$ 33.55	\$ 87.42

ATTACHMENT A



Gallagher Benefit Services, Inc.

A Subsidiary of Arthur J. Gallagher & Co.

April 20, 2004

Ms. Pat Hipple, Human Resources Administrator
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: Medical, Dental & Flex Plan Renewals

Dear Pat,

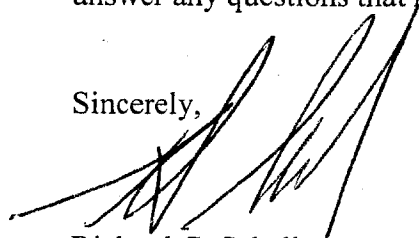
Gallagher Benefit Services recommends the City renew with Humana effective October 1, 2004, maintaining the existing five plans with an increase of 4.44% applied to the High Option plans and no change in rates to the Low Option Plans. The addition of alternate plans and the inclusion of drug formularies continue to reflect in improved experience in a time of medical and drug inflation in the mid to high teens.

CompBenefits, the City's dental carrier has agreed to continue the current three dental offerings at current rates and we recommend renewal. The inclusion of a third plan during the last renewal, prohibited CompBenefits from offering a multi-year rate guarantee. With six months of experience now available, we will continue to negotiate a multi year contract.

The Flexible Spending Account manager, Fringe Benefit is renewing the second year of a two year rate guarantee.

We appreciate the opportunity to work with the City and it's staff and we will be happy to answer any questions that may arise.

Sincerely,



Richard G. Schell
Area Vice President

One Boca Place
2255 Glades Road, Suite 400 E
Boca Raton, FL 33431
561.995.6706
Fax 561.995.6708
www.ajg.com



Renewal Underwriting Decision
Marketing Exhibit

Case Name: City of Miami Beach
Affiliation/Customer Number: B0156, B0636, 60355, 64298, 64637, 65311, 98346, N1323
Products: HMO, PPO & POS
Market: South Florida
Effective Date: 10/1/2004
Marketing Representative: Brian Garrison
Broker: Gallagher, Richards, Shell

Plan Summary and Rates

Group number: 98346, 64637, B0636, B0156
Plan option: High HMO - Plan 02/304

	<u>Current Rates</u>	<u>Breakout</u>	<u>Renewal Action</u>	<u>Renewal Rates</u>
Employee Only	\$ 335.93	426	4.44%	\$ 350.85
Employee + Family	\$ 832.66	380		\$ 869.63
Total Employees:		806		
Total Members:		1742		

Group number: B0156
Plan option: Low HMO - Plan 02/27

	<u>Current Rates</u>	<u>Breakout</u>	<u>Renewal Action</u>	<u>Renewal Rates</u>
Employee Only	\$ 310.32	78	0.00%	\$ 310.32
Employee + Family	\$ 769.15	29		\$ 769.15
Total Employees:		107		
Total Members:		183		

Group number: 60355
Plan option: POS - Plan 14/438

	<u>Current Rates</u>	<u>Breakout</u>	<u>Renewal Action</u>	<u>Renewal Rates</u>
Employee Only	\$ 431.76	25	0.00%	\$ 431.76
Employee + Family	\$ 1,071.31	33		\$ 1,071.31
Total Employees:*		58		
Total Members:		119		

Group number: 65311, 64298
Plan option: High PPO - Plan 06/782

	<u>Current Rates</u>	<u>Breakout</u>	<u>Renewal Action</u>	<u>Renewal Rates</u>
Employee Only	\$ 684.13	305	4.44%	\$ 714.51
Employee + Family	\$ 1,678.49	194		\$ 1,753.01
Total Employees:*		499		
Total Members:		773		

Group number: N1323
Plan option: Low PPO - Plan 18/783

	<u>Current Rates</u>	<u>Breakout</u>	<u>Renewal Action</u>	<u>Renewal Rates</u>
Employee Only	\$ 606.51	44	0.00%	\$ 606.51
Employee + Family	\$ 1,488.06	24		\$ 1,488.06
Total Employees:*		68		
Total Members:		101		

* A portion of the single/family population above qualifies for Medicare carve-out rates as provided below:

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS, AND IF SUCCESSFUL, FURTHER AUTHORIZING RENEWAL WITH HUMANA, THE CITY'S CURRENT PROVIDER OF GROUP MEDICAL INSURANCE FOR EMPLOYEES, WITH A 4.44% INCREASE FOR THE HIGH HMO & HIGH PPO AND NO INCREASE FOR THE POS, LOW HMO AND LOW PPO PLANS, FOR A ONE-YEAR PERIOD, EFFECTIVE ON OCTOBER 1, 2004, FOR AN ESTIMATED ANNUAL AMOUNT NOT TO EXCEED \$14,000,000, WITH THE CITY'S OPTION TO RENEW FOR ONE ADDITIONAL YEAR IF THE ANNUAL COMBINED INCREASE IS LESS THAN 5%; AUTHORIZING THE ADMINISTRATION TO RENEW WITH COMPBENEFITS, THE CITY'S CURRENT GROUP DENTAL PROVIDER FOR EMPLOYEES, FOR A ONE-YEAR PERIOD, EFFECTIVE ON OCTOBER 1, 2004, WITH NO PREMIUM INCREASE AND AN ESTIMATED ANNUAL AMOUNT NOT TO EXCEED \$600,000, WITH THE CITY'S OPTION TO RENEW FOR ONE ADDITIONAL YEAR IF THE ANNUAL COMBINED INCREASE IS LESS THAN 3%; AUTHORIZING THE ADMINISTRATION TO RENEW FOR THE YEAR 2004-05 WITH FRINGE BENEFITS MANAGEMENT COMPANY TO ADMINISTER THE CITY'S FLEXIBLE SPENDING PROGRAM AND FOR TWO SUBSEQUENT ONE YEAR PERIODS AT THE SAME PER-EMPLOYEE MONTHLY ADMINISTRATIVE FEE OF \$4.50, AS PROVIDED IN THE CITY'S CONTRACT WITH FRINGE BENEFITS MANAGEMENT COMPANY OF OCTOBER 1, 2003; AUTHORIZING THE ADMINISTRATION TO RENEW FOR THE YEAR 2004-05 WITH THE COMPREHENSIVE COMPANIES, INC. TO ADMINISTER THE CITY'S VOLUNTARY BENEFITS PROGRAM FOR THOSE PLANS OFFERED TO EMPLOYEES AT NO COST TO THE CITY, AND FOR SUBSEQUENT CONSECUTIVE ONE YEAR RENEWAL TERMS, UNLESS OTHERWISE TERMINATED AS PROVIDED IN THE CITY'S CONTRACT WITH THE COMPREHENSIVE COMPANIES, INC. OF OCTOBER 1, 2003.

WHEREAS, Humana, the City's current medical plan provider, has offered the City renewal rates, effective on October 1, 2004, for a one-year period, which are a 4.4% increase for the high option PPO and POS plans, and no increase for the POS plan and the low option HMO and PPO plans; and

WHEREAS, CompBenefits, the City's current dental plan provider, has offered renewal rates, effective on October 1, 2004, for a one-year period, at no increase over the premiums charged for 2003-2004; and

WHEREAS, Fringe Benefits Management Company, the City's current provider for flexible spending programs, provided a two-year rate guarantee at the time its contract with the City was executed in October 2003, and for two subsequent one year periods, at the same per-employee monthly administrative fee of \$4.50 ; and

WHEREAS, The Comprehensive Companies, Inc., the City's current broker for other voluntary benefit plans that have no cost to the City, was renewed for 2003-2004, with subsequent one year renewal terms unless otherwise terminated; and

WHEREAS, the Administration recommends that the Mayor and City Commission authorize the Administration to enter into negotiations and, if successful, authorize renewal with Humana to provide Group Medical Insurance for employees and retirees, for a one-year period, effective on October 1, 2004, with the option to renew for one additional year if the combined renewal increase is less than 5%; authorize renewal with CompBenefits to provide Group Dental Insurance for employees and retirees, for a one-year period, effective October 1, 2004, at no increase over the premiums for 2003-2004, with the option to renew for one additional year if the combined renewal increase is less than 3%; authorize the renewal of the current contract with Fringe Benefits Management Company, dated October 1, 2003, to provide flexible spending programs for City employees for a second year, effective October 1, 2004, and for two subsequent one year periods, as provided in the contract; and authorize the renewal of the current contract with The Comprehensive Companies, dated October 1, 2003, to provide voluntary benefit plans, as selected by the City for a second year, effective October 1, 2004, and for subsequent one year periods unless otherwise terminated; and

WHEREAS, these recommendations were presented to the Group Insurance Board on June 1, 2004 with the Board agreeing with the recommendations of the Administration.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission authorize the Administration to enter into negotiations, and, if successful, further authorize renewal with Humana, the City's current provider of Group Medical Insurance for employees and retirees, with a 4.44% increase for the High HMO & High PPO and no increase for the POS, Low HMO and Low PPO plans, for a one-year period, effective on October 1, 2004, for an estimated annual amount not to exceed \$14,000,000, with the City's option to renew for one additional year if the annual combined increase is less than 5%; authorize the Administration to renew with CompBenefits, the City's current Group Dental provider for employees and retirees, for a one-year period, effective on October 1, 2004, with no premium increase and an estimated annual amount not to exceed \$600,000, with the City's option to renew for one additional year if the annual combined increase is less than 3%; authorize the Administration to renew for the year 2004-05 with Fringe Benefits Management Company to administer the City's flexible spending program, and for two subsequent one year periods at the same per-employee monthly administrative fee of \$4.50, as provided in the City's contract with the Fringe Benefits Management Company of October 1, 2003; and authorize the Administration to renew for the year 2004-05 with the Comprehensive Companies, Inc. to administer the City's

Voluntary Benefits program for those plans offered to employees at no cost to the City, and for subsequent consecutive one-year renewal terms, unless otherwise terminated, as provided in the City's contract with The Comprehensive Companies, Inc. of October 1, 2003.

PASSED AND ADOPTED this _____ day of _____, 2004

ATTEST:

CITY CLERK

MAYOR

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

 5-25-04
City Attorney **Date**

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**

**Condensed Title:**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A SETTLEMENT REGARDING LIENS ON REAL PROPERTY AT 928 PENNSYLVANIA AVENUE RESULTING FROM (CODE COMPLIANCE CASE NO. 53720-PM/SPECIAL MASTER CASE NO. JC00000460), (CODE COMPLIANCE CASE NO. ZV990361/SPECIAL MASTER CASE NO. JC990485), AND (CODE COMPLIANCE CASE NO. ZV00001428/SPECIAL MASTER CASE NO. JC0000459), OWNED BY JOY PEARLMAN TRUSTEE, PROVIDING THAT THE LIENS IN THE AMOUNT OF \$305,728.30 PLUS INTEREST BE SETTLED FOR THE AMOUNT OF \$30,908.25

Issue:

Shall the City settle the lien on real property at 928 Pennsylvania Avenue for \$30,908.25.

Item Summary/Recommendation:

The property located at 928 Pennsylvania Avenue has been owned by the Zoffer family for a period of over 60 years. The former owner, Ms. Jessica Zoffer, is an elderly individual who is unable to care for herself and her property and has been in steady emotional and physical decline during the past fifteen years. Due to Ms. Zoffer's inability to care for herself and the property, the structure fell into disrepair. The liens imposed as a result of the Building Department's enforcement action, unsafe structure, were waived. The cases involved boarding of the property and ultimately, as a result of severe structural damage, the property was demolished.

During the Special Master process, the Office of Elder Affairs was contacted as with most cases involving elderly residents with difficulty resolving their violations. However, in Ms. Zoffer's case there appeared to be an effort to take her property through duplicitous means. An individual improperly represented himself to be an attorney from California and appeared at various City offices allegedly on her behalf and requested that communications be directed to him instead of Ms. Zoffer. The individual appeared to be exploiting her and depriving her of the property. The City's intervention was able to save Ms. Zoffer's property.


In February 2004, her cousin, Ms. Joy Pearlman, who is the present owner of the property, took title of property for the benefit of Ms. Zoffer and had a trust agreement prepared whereby the proceeds of any sale would repay Ms. Pearlman for her advances and the remainder would be retained for the care and housing Ms. Zoffer. The sale of the property will provide for Ms. Zoffer's future needs and reimburse Ms. Pearlman for expenses which include payment of back taxes and the monthly rent at the nursing home.

The recommended settlement amount includes payment to the City of \$17,680.68 for emergency board-up and securing services, \$6,259.34 for relocation services, \$136.18 for Miami Dade County Unsafe Structures Board Filing Fee, \$1,078.50 for lot clearing and \$5,753.55 for the outstanding utility/water bill.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:  Finance Dept.		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Vivian P. Guzman, Director, Neighborhood Services Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

AGENDA ITEM R7E

DATE 6-9-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 9, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A SETTLEMENT REGARDING LIENS ON REAL PROPERTY AT 928 PENNSYLVANIA AVENUE RESULTING FROM (CODE COMPLIANCE CASE NO. 53720-PM/SPECIAL MASTER CASE NO. JC00000460), (CODE COMPLIANCE CASE NO. ZV990361/SPECIAL MASTER CASE NO. JC990485), AND (CODE COMPLIANCE CASE NO. ZV00001428/SPECIAL MASTER CASE NO. JC0000459), OWNED BY JOY PEARLMAN TRUSTEE, PROVIDING THAT THE LIENS IN THE AMOUNT OF \$305,728.30 PLUS INTEREST BE SETTLED FOR THE AMOUNT OF \$30,908.25**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The property located at 928 Pennsylvania Avenue has been owned by the Zoffer family for a period of over 60 years. The former owner, Ms. Jessica Zoffer, is an elderly individual who is unable to care for herself and her property and has been in steady emotional and physical decline during the past fifteen years after the death of her mother and aunt for whom she was the only caregiver. Ms. Zoffer is currently suffering from various chronic ailments and cannot care for herself. In the past, Ms. Zoffer has been the subject of exploitation by a series of individuals interested in the property.

Due to Ms. Zoffer's inability to care for herself and the property, the structure fell into disrepair. As early as 1991, structural damage occurred. The building was further damaged by roof leaks and various fires. In 1994, the City had the structure secured and boarded. The City of Miami Beach Building Department and Code Compliance Division initiated enforcement action to bring the property into compliance. The liens imposed as result of the Building Department's enforcement action, unsafe structure, were waived. The cases involved boarding of the property and ultimately, as a result of severe structural damage, the property was demolished.

Neighborhood Services Department, Code Compliance Division, followed the normal enforcement process in order to seek compliance with the violations. The cases currently

under consideration for mitigation involve property maintenance violations, storage of a derelict vehicle and illegal units in the rear of the property. Due to non-compliance, the cases were forwarded to the Special Master. The Special Master imposed a daily fine for each case and subsequently, liens were filed against the property.

During the Special Master process, the Office of Elder Affairs was contacted as with most cases involving elderly residents with difficulty resolving their violations. However, in Ms. Zoffer's case there appeared to be an effort to take her property through duplicitous means. An individual improperly represented himself to be an attorney from California and appeared at various City offices allegedly on her behalf and requested that communications be directed to him instead of Ms. Zoffer. This individual appeared to be exploiting her and attempting to deprive her of the property. The City's intervention was able to save Ms. Zoffer's property.

In February 2004, her cousin, Ms. Joy Pearlman, who is the present owner of the property, took title of property for the benefit of Ms. Zoffer and had a trust agreement prepared whereby the proceeds of any sale would repay Ms. Pearlman for her advances and the remainder would be retained for the care and housing of Ms. Zoffer. Ms. Pearlman has advanced over \$200,000 of her own money to pay the back taxes on the property to prevent the property from being auctioned off at a tax deed sale. She has also been paying the monthly rent at the nursing home and taking care of all of Ms. Zoffer's other financial requirements. The sale of the property will provide for Ms. Zoffer's future needs and reimburse Ms. Pearlman for her expenses.

The recommended settlement amount includes payment to the City of \$17,680.68 for emergency board-up and securing services, \$6,259.34 for relocation services, \$136.18 for Miami-Dade County Unsafe Structures Board Filing Fee, \$1,078.50 lot clearing and \$5,753.55 for the outstanding utility/water bill.

While normally some lien amount would be retained for the nature of violation and the time of non-compliance on the property violations, the Administration is recommending collecting only the City's hard costs due to the extenuating circumstances of this case.

Attachment


JMG/REM/VP

CITY OF MIAMI BEACH

1700 CONVENTION CENTER DRIVE, MIAMI BEACH FL 33139-1824



Telephone (305) 673-7590

Facsimile (305) 604-2428

June 2, 2004

Property Address:

928 PENNSYLVANIA AVE

RE: VIVIAN GUZMAN

STATEMENT#

2235

IB

PLATE #

561

THIS IS TO CERTIFY THAT THE FOLLOWING MUNICIPAL LIENS OR ASSESSMENTS ARE DUE AND PAYABLE AGAINST:

LOT 5 BLK 44 OCEAN BEACH ADDITION NO 3

Charge Type

1) UTILITY BILL:***

- a) Water
- b) Sewer
- c) Storm Water
- d) Waste

Account Number	Service Period	Due Date	Current Amount Due	Delinquent Amount	Interest Due	County Fees	Total Due
			\$0.00				\$0.00
			\$0.00	BK19499P4113			\$0.00
507988	JUL/03	07/08/03	\$0.00	\$5,204.91	\$536.64	\$12.00	\$5,753.55
	JUL/03	07/08/03	\$0.00				\$0.00
Flat rate for Waste & Storm Water of \$31.50 & \$5.50 respectively.							
BSL0100005	SATURN CONSTRUTION	BK19724P1780		\$5,387.25	\$1,939.41	\$30.00	\$7,356.66
BSL0100023	SATURN CONSTRUTION	BK19963P0001		\$4,712.40	\$1,507.94	\$39.00	\$6,259.34
BSL0200008	BLDG CODE COMPLIANCE	BK20257P1125		\$83.60	\$22.58	\$30.00	\$136.18
BSL92040	INDEPENDENT SECURING	BK15593P2301-02		\$2,079.00	\$2,972.97	\$21.00	\$5,072.97
BSL95032	INDEPENDENT SECURING			\$55.00	\$60.50	\$16.50	\$132.00
BSL92040	INDEPENDENT SECURING			\$2,079.00	\$3,014.55	\$25.50	\$5,119.05
4) DEMOLITION & BOARDING-UP LIENS							
5) RESORT TAX LIENS **							
6) CITY BILLS							
CB64545...	JESSICA E ZOFFER			\$1,045.58	\$20.92	\$12.00	\$1,078.50
							\$0.00
							\$0.00
7) SPECIAL MASTER *							
*PLEASE CALL							
*JC00000459	JESSICA E ZOFFER	BK19183P3306		\$201,802.19			\$201,802.19
*JC00000460	JESSICA E ZOFFER	BK19122P3572		\$88,045.63			\$88,045.63
*JC990485	JESSICA E ZOFFER	BK18704P222		\$15,880.48			\$15,880.48
8) SPECIAL ASSESSMENT							\$0.00
9) PERMITS, CERTIFICATE OF USE, LICENSES							
10) OTHER:							\$0.00
							\$0.00
TOTAL AMOUNT DUE							\$336,636.55

* if needed call phone # (305) 673-7181

** if needed call phone # (305) 673-7447

ADDITIONAL BILLS MAY BE DUE FROM DATE OF LAST REGULAR READING TO DATE OF FINAL READING. ALL DELINQUENT CHARGES BEAR A PENALTY OF 10%. RECORDED LIENS BEAR INTEREST AT 12% PER ANNUM. UNPAID AND/OR DELINQUENT CHARGES TOGETHER WITH ALL PENALTIES IMPOSED THEREON, SHALL REMAIN AND CONSTITUTE SPECIAL ASSESSMENT LIENS AGAINST THE REAL PROPERTY.

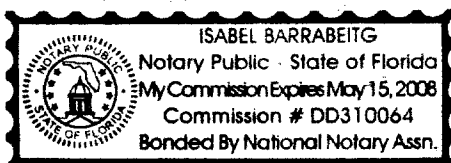
I hereby certify that this Lien Statement is a true and accurate reflection (as of the date of this Lien Statement) of those Liens and /or City Bills (per the files of the City of Miami Beach Finance Department) due and owing the City of Miami Beach regarding the subject property.

PATRICIA D. WALKER, CHIEF FINANCIAL OFFICER

BY

DEPUTY

SUBSCRIBED AND SWORN TO before me this 2 day of June, 2004.



ISABEL BARRABIEITG, NOTARY PUBLIC, STATE OF FLORIDA
DADE COUNTY

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A SETTLEMENT REGARDING LIENS ON REAL PROPERTY AT 928 PENNSYLVANIA AVENUE RESULTING FROM (CODE COMPLIANCE CASE NO. 53720-PM/SPECIAL MASTER CASE NO. JC00000460), (CODE COMPLIANCE CASE NO. ZV990361/SPECIAL MASTER CASE NO. JC990485), AND (CODE COMPLIANCE CASE NO. ZV00001428/SPECIAL MASTER CASE NO. JC0000459), OWNED BY JOY PEARLMAN TRUSTEE, PROVIDING THAT THE LIENS IN THE AMOUNT OF \$305,728.30 PLUS INTEREST BE SETTLED FOR THE AMOUNT OF \$30,908.25

WHEREAS, the property at 928 Pennsylvania Avenue has accumulated fines as a result of property maintenance violations, (Code Compliance Case No. 53720-PM/Special Master Case No. JC00000460); the storage of a derelict vehicle, (Code Compliance Case No. ZV990361/Special Master Case No. JC990485); and illegal units (Code Compliance Case No. ZV00001428/Special Master Case No. JC0000459), in the amount of \$305,451.54 plus interest as a result of the orders entered by the Special Master; and

WHEREAS, the property owner, Ms. Jessica Zoffer, is an elderly individual who is unable to care for herself and her property and has been in steady emotional and physical decline during the past fifteen years ; and

WHEREAS, the Administration seeks to forgive the lien amount and collect only the City's costs associated with securing and demolishing the structure and a City outstanding water bill; and

WHEREAS, the property is currently in compliance as a result of the demolition of the structure: and

NOW, THEREFORE BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that a settlement for the outstanding City lien at the property of 928 Pennsylvania Avenue in the amount of \$305,728.30 as a result of Code Compliance Case Nos. 53720-PM, ZV990361, ZV00001428 and Special Master Case Nos. JC00000460, JC990485, JC0000459 is hereby approved upon payment of the sum of \$30,908.25 by Ms. Joy Pearlman to the City of Miami Beach; and further that the City Manager shall be authorized to execute any and all necessary documents to complete such lien release and settlement subject to the approval of the Special Master.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2004

ATTEST: **APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

City Clerk

 6-3-04
City Attorney Date

Mayor David Dermer

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving and authorizing \$592,239.00 in City of Miami Beach Quality of Life/Resort Tax funding from fiscal year 2002/2003 (less five percent for administrative charges to North Beach Development Corporation) for improvements in the North Beach community; and reprogramming \$6,444.74 from Fiscal Year 00/01 (program year six), \$91.38 from Fiscal Year 99/00 (program year five), and \$732.71 from Fiscal Year 97/98 (program year three) providing for an additional \$7,268.83 be included as a reallocation and a part of the 2002/2003 Quality of Life budget.

Issue:

Shall the City of Miami Beach appropriate \$592,239.00 in Fiscal Year 2001/2002 (less \$12,935, which is the 5% administrative charge to North Beach Development Corporation) and reallocate \$7,268.83 in prior years' Quality of Life funding, providing a total of \$599,508.00 to be expended on projects as recommended by the City Administration in the Appendix A?

Item Summary/Recommendation:

In 1992, the City of Miami Beach voters agreed to a one percent increase in the resort tax collection on hotel room rent. Half of the one percent was to create public incentives for a Convention Center Headquarter Hotel, and the other 50% was designated for the promotion of Quality of Life (Q.O.L.) tourism related activities and facilities. That 50% Quality of Life increment has been equally split in thirds for improvements in the North, Middle and South Beach communities.

At a February 18, 2004 Commission Workshop regarding Quality of Life funds the City Administration was directed to freeze the Quality of Life funding allocated to the three areas at the current level (FY 2001/2002 level) and any additional funds received should be allocated to the Tourism and Cultural Development Department (TCD) for cultural affairs. In essence, this begins to divide the funding into quarters. This method of funding will continue until such time as the TCD funding equals the funding for the three areas. After that, the 50% allocation of the 1% Resort Tax shall be equally allocated to North Beach, Middle Beach, South Beach, and TCD, each receiving 25% of the collections.

A public meeting was held on May 17, 2004, to reach community agreement on how best to expend the available Quality of Life/Resort Tax funds from Fiscal Year 2002/2003 (program year eight) for the North Beach community. Projects totaling \$1,045,077.00 were reviewed and prioritized by the North Beach community and the list was reduced to match available funding. Preference was given to projects with strong tourism components that would clearly benefit both visitors and residents of the North Beach area. Please see attached Appendix A for a full project list and cost estimates. Last year, via Resolution No. 2003-25309 NBDC and the City also committed funding \$25,000.00 of Quality of Life funds from Fiscal Year 2002/2003 (program year eight) for the Byron Carlyle Theater project. This allocation was added to a new request that will complete the purchase of the final furniture, fixtures, and equipment for the theater. At the meeting, the north beach community voted to eliminate funding for an additional Code Compliance Officer, which has been funded by North Beach Quality of Life Funds for the past three (3) years. The Administration subsequently recommended reinstating funding for the additional Code Compliance Officer for North Beach as this enhancement has proven to help maintain property standards in the North Beach business district. In order to accomplish this, the Administration recommends slightly reducing funding for the following projects: Shane Watersports Center Expansion, NBDC Marketing Campaign, and Teen Job Corps.

Advisory Board Recommendation:

NBDC Board reviewed and approved the community's recommendations at their May 18, 2003 meeting.

Financial Information:

Amount to be expended:				
Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div> Finance Dept.	1	\$592,239.00 (FY 02/03)	161.6235.000343	
	2	\$7,268.83 (FY 00/01, 99/00, & 97/98)	161.6235.000343	
	3			
	4			
	Total	\$599,508.00	161.6235.000343	

Sign-Offs:

Department Director	Assistant City Manager			City Manager
MAS	RCM	CMC	PDW	JMG

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AGENDA ITEM R7F
DATE 6-9-04



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 9, 2004

From: Jorge M. Gonzalez
City Manager

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING \$592,239.00 IN CITY OF MIAMI BEACH QUALITY OF LIFE/RESORT TAX FUNDING FROM FISCAL YEAR 2002/2003 (LESS FIVE PERCENT FOR ADMINISTRATIVE CHARGES TO NORTH BEACH DEVELOPMENT CORPORATION) FOR IMPROVEMENTS IN THE NORTH BEACH COMMUNITY; AND REALLOCATING \$7,268.83 IN PRIOR YEARS' QUALITY OF LIFE FUNDING, IN THE AMOUNTS OF \$6,444.74 FROM FISCAL YEAR 00/01; AND \$91.38 FROM FISCAL YEAR 99/00; AND \$732.71 FROM FISCAL YEAR 97/98; PROVIDING FOR A TOTAL OF \$599,508.00 FOR THE PURPOSE OF FUNDING TOURISM ORIENTED PROJECTS IN THE NORTH BEACH AREA.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution and approve the City Administration's funding recommendations.

FUNDING

Funding is available from Quality of Life/Resort Tax funding from fiscal year 2001/02 and a reallocation of \$7,268.83 from Fiscal Year 2000/2001, 1999/2000, and 1997/1998 North Beach Quality of Life funds.

ANALYSIS

In 1992, the City of Miami Beach voters agreed to a one percent increase in the resort tax collection on hotel room rent. Half of the one percent was to create public incentives for a Convention Center Headquarter Hotel, and the other 50% was designated for the promotion of Quality of Life (Q.O.L.) tourism related activities and facilities. That 50% Quality of Life increment has been equally split in thirds for improvements in the North, Middle and South Beach communities.

At a February 18, 2004 Commission Workshop regarding Quality of Life funds the City Administration was directed to freeze the Quality of Life funding allocated to the three areas at the current level (FY 2001/2002 level) and any additional funds received should be allocated to the Tourism and Cultural Development Department (TCD) for cultural affairs. In essence, this begins to divide the funding into quarters. This method of funding will

continue until such time as the TCD funding equals the funding for the three areas. After that, the 50% allocation of the 1% Resort Tax shall be equally allocated to North Beach, Middle Beach, South Beach, and TCD, each receiving 25% of the collections. This commitment of funding for arts and cultural was done to provide a new permanent funding source that will help sustain cultural programs long-term.

North Beach Development Corporation (NBDC) is entering year eight of this program. The portion available through Resort Tax collections for the North Beach community in Fiscal Year 2001/2002 Quality of Life funds equals \$592,239.00, less five percent (5%) for administrative charges to NBDC. In addition, NBDC has reviewed prior years' funds and propose reprogramming \$6,444.74 from Fiscal Year 00/01 (program year six), \$91.38 from Fiscal Year 99/00 (program year five), and \$732.71 from Fiscal Year 97/98 (program year three) providing for an additional \$7,268.83 be included as a reallocation and a part of the 2002/2003 Quality of Life budget. The reallocated amounts include:

Year	Project	Funding Per Project	Total Reallocated
FY 00/01	Festival of the Arts	364.46	
Year 6	2 nd Thursday's	6,059.29	
	Marketing Director's Salary	2.80	
	Teen Job Corps	18.19	
			6,444.74
FY 99/00	Shane Watersports Center Expansion	5.75	
Year 5	North Beach Clean-ups	85.63	
			91.38
FY 97/98	North Beach Strategic Plan	732.71	
Year 3			732.71
	TOTAL		7,268.83

The \$592,239.00 in Fiscal Year 2002/2003, which includes five percent (5%) for administrative charges to NBDC, netting out all City of Miami Beach projects that do not require NBDC administrative oversight, plus the reallocated balance of \$7,268.83, provides a total of \$599,508.00 of Quality of Life funds available through Resort Tax Collections for the North Beach community.

Since 1995, NBDC has assisted the North Beach community in prioritizing projects to be implemented. Participation from all parts of the community is encouraged; public meetings are advertised and held to develop the project "wish list". Consensus is built through these workshops to fund projects that will yield the greatest benefits for the community at large.

A public meeting was held on May 17, 2004, to reach community agreement on how best to expend the available Quality of Life/Resort Tax funds from Fiscal Year 2002/2003 (program year eight) for the North Beach community. Projects totaling \$1,045,077.00 were reviewed and prioritized by the North Beach community and the list was reduced to match available funding. Preference was given to projects with strong tourism components that would clearly benefit both visitors and residents of the North Beach area. Please see attached Appendix A for a full project list and cost estimates. Last year, via Resolution No.

2003-25309 NBDC and the City also committed funding \$25,000.00 of Quality of Life funds from Fiscal Year 2002/2003 (program year eight) for the Byron Carlyle Theater project. This allocation was added to a new request that will complete the purchase of the final furniture, fixtures, and equipment for the theater. At the meeting, the north beach community voted to eliminate funding for an additional Code Compliance Officer, which has been funded by North Beach Quality of Life Funds for the past three (3) years. NBDC Board reviewed and approved the community's recommendations at their May 18, 2004 meeting.

The City Administration met with NBDC to review their recommendations. It is standard practice for the Administration to review funding recommendations with advisory boards (i.e. Community Development Block Grant and Cultural Arts Council) prior to City Commission review and approval to ensure that grant allocations are in line with the City Commission's priorities. The Administration subsequently recommended reinstating funding for the additional Code Compliance Officer for North Beach as this enhancement has proven to help maintain property standards in the North Beach business district. In order to accomplish this, the Administration recommends slightly reducing funding for the following projects: Shane Watersports Center Expansion, NBDC Marketing Campaign, and Teen Job Corps. (Please refer to Appendix A for a full project list, North Beach community recommendations, and the City Administration's recommendations).

CONCLUSION

The Administration recommends approving the Resolution which appropriates \$599,508.00 in Fiscal Year 2002/2003 (less \$12,935.00, which is the 5% administrative charge to North Beach Development Corporation) and reallocating \$7,268.83 in prior years' Quality of Life funding to be expended on projects as recommended by the City Administrations in the Appendix A, providing \$586,573.00 in available Resort tax funds for the purpose of funding tourism oriented projects in the North Beach area.

JMG/CMC/PDW/mas

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Applicant	Category	Projects	Year 8 Applications	North Beach Community Recommendations	CMB Recommendations
Shane	Cap Imp	RW Shane Watersports Center Expansion	\$200,000	\$37,000	\$25,000
CMB	Cap Imp	Byron Carlyle (\$25,000 committed via Reso # 2003-25309 during FY 02/03) (\$151,877 requested in Year 8)	\$176,877	\$176,877	\$176,877
SubTotal Capital Improvements			\$376,877	\$213,877	\$201,877
Childers	Festival	North Beach Triathlon	\$5,000		
North Beach Develo	Festival	MiMo Activities	\$25,000	\$20,000	\$10,000
NBDC	Festival	Miami Beach Festival of the Arts	\$45,000	\$45,000	\$45,000
NBDC	Festival	North Beach Events Coordinator	\$25,000	\$25,000	\$25,000
North Beach Develo	Festival	Sand Soccer and Footvolley Tournament	\$10,000		
Log Cabin	Festival	Log Cabin Calendar of Events	\$15,000		
Log Cabin	Festival	Caribbean Weekend & Latin Festival	\$15,000		
Rising Adv.	Festival	Christmas Tree Lighting	\$55,000		
North Beach Develo	Festival	North Beach Fall Festival	\$40,000		
SubTotal Festivals			\$235,000	\$90,000	\$80,000
Shane	Marketing	Marketing Program	\$5,000		
NBDC	Marketing	Marketing Director's Salary	\$50,000	\$50,000	\$50,000
NBDC	Marketing	Marketing Campaigns	\$60,000	\$15,687	\$7,844
SubTotal Marketing			\$115,000	\$65,687	\$57,844
Teen Job Corps	Other	North Beach Youth "Teen Job" Corps.	\$65,000	\$60,000	\$53,653
NBDC/City	Other	Additional Code Enforcement Officer	\$36,000		\$36,000
CMB Police	Other	Off Duty Police Services	\$55,000	\$40,000	\$40,000
CMB	Other	Enhanced Sanitation Services	\$75,000	\$75,000	\$75,000
CMB	Other	Canal Clean Up	\$40,000	\$40,000	\$40,000
ECOMB	Other	Beach Clean up/Tatum Waterway & Dune Restoration	\$2,200	\$2,200	\$2,200
MBCDC	Other	Mimo Educational Programming & Exhibit Services	\$20,000		
North Beach Develo	Other	Marvin Green Clock	\$25,000		
SubTotal Other			\$318,200	\$217,200	\$246,853
GRAND TOTAL			\$1,045,077	\$586,764	\$586,574
Year 8 Funds			\$592,239	\$592,239	\$592,239
NBDC Admin 5%			\$12,500	\$12,744	\$12,935
Total			\$579,739	\$579,495	\$579,304
Plus Reallocation			\$7,269	\$7,269	\$7,269
TOTAL FUNDS AVAILABLE			\$587,008	\$586,764	\$586,573
Surplus/(Deficit)			(\$458,069)	\$0	\$0

Reallocations:

\$364.46	Festival of the Arts (FY 00-01)
\$6,059.29	2nd Thursday's (FY 00-01)
\$2.80	Marketing Director's Salary (FY 00-01)
\$18.19	Teen Job Corps (FY 00-01)
\$5.75	Shane Watersports Center Expansion (FY 99-00)
\$85.63	North Beach Clean-ups (FY 99-00)
\$732.71	North Beach Strategic Plan (FY 97-98)
\$7,268.83	TOTAL

** Admin calculated netting out CMB projects

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING \$592,239.00 IN CITY OF MIAMI BEACH QUALITY OF LIFE/RESORT TAX FUNDING FROM FISCAL YEAR 2002/2003 (LESS FIVE PERCENT FOR ADMINISTRATIVE CHARGES TO NORTH BEACH DEVELOPMENT CORPORATION) FOR IMPROVEMENTS IN THE NORTH BEACH COMMUNITY; AND REALLOCATING \$7,268.83 IN PRIOR YEARS' QUALITY OF LIFE FUNDING, IN THE AMOUNTS OF \$6,444.74 FROM FISCAL YEAR 00/01; \$91.38 FROM FISCAL YEAR 99/00; AND \$732.71 FROM FISCAL YEAR 97/98; PROVIDING FOR A TOTAL OF \$599,508.00, AS RECOMMENDED BY THE CITY ADMINISTRATION IN APPENDIX A TO THIS RESOLUTION, FOR THE PURPOSE OF FUNDING TOURISM ORIENTED PROJECTS IN THE NORTH BEACH AREA.

WHEREAS, in 1992, the City of Miami Beach voters agreed to a one percent increase in the resort tax collection on hotel room rent; and

WHEREAS, half of the one percent was to create public incentives for a Convention Center Headquarter Hotel, and the other 50% was designated for the promotion of Quality of Life (Q.O.L.) tourism related activities and facilities; and

WHEREAS, at a February 18, 2004 Commission Workshop regarding Quality of Life funds the City Administration was directed to freeze the Quality of Life funding allocated to the three areas at the current level (FY 2001/2002 level); and

WHEREAS, any additional funds received should be allocated to the Tourism and Cultural Development Department (TCD) for cultural affairs, which begins to divide the funding into quarters; and

WHEREAS, this method of funding will continue until such time as the TCD funding equals the funding for the three areas; the 50% allocation of the 1% Resort Tax shall then be equally allocated to North Beach, Middle Beach, South Beach, and TCD, each receiving 25% of the collections; and

WHEREAS, the portion available through Resort Tax collections for the North Beach community in Fiscal Year 2002/2003 Quality of Life funds equals \$592,239.00, less five percent (5%) for administrative charges to North Beach Development Corporation (NBDC); and

WHEREAS, in addition to the \$592,239.00, North Beach Development Corporation (NBDC) has reviewed prior years' funds and propose reprogramming \$6,444.74 from Fiscal Year 00/01 (program year six); \$91.38 from Fiscal Year 99/00 (program year five); and \$732.71 from Fiscal Year 97/98 (program year three); providing for an additional \$7,268.83 be included as a reallocation and a part of the 2002/2003 Quality of Life budget; and

WHEREAS, the \$592,239.00 in Fiscal Year 2002/2003, which includes five percent (5%) for administrative charges to NBDC, netting out all City of Miami Beach projects that do not require NBDC administrative oversight, plus the reallocated balance of \$7,268.83, provides a total of \$599,508.00 of Quality of Life funds available through Resort Tax Collections for the North Beach community; and

WHEREAS, since 1995, North Beach Development Corporation has assisted the City in prioritizing projects to be implemented; and

WHEREAS, A public meeting was held on May 17, 2004, to reach community agreement on how best to expend the available Quality of Life/Resort Tax funds from Fiscal Year 2002/2003 (program year eight) for the North Beach community; and

WHEREAS, projects totaling \$1,045,077.00 were reviewed and prioritized by the North Beach community and the list was reduced to match available funding; and

WHEREAS, preference was given to projects with strong tourism components that would clearly benefit both visitors and residents of the North Beach area; and

WHEREAS, last year, via Resolution No. 2003-25309, the City also committed funding \$25,000.00 of Quality of Life funds from Fiscal Year 2002/2003 (program year eight) for the Byron Carlyle Theater Project; this allocation was added to a new request that will complete the purchase of the final furniture, fixtures, and equipment for the Theater; and

WHEREAS, NBDC's Board reviewed and approved the community's recommendations at its May 18, 2003 meeting; and

WHEREAS, the North Beach community voted to eliminate funding for an additional Code Compliance Officer, which has been funded by North Beach Quality of Life Funds for the past three (3) years; and

WHEREAS, the Administration subsequently recommended reinstating funding for the additional Code Compliance Officer for North Beach by slightly

reducing funding for the following projects: Shane Watersports Center Expansion, NBDC Marketing Campaign, and Teen Job Corps.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission herein approve the appropriation of \$599,508.00 in Fiscal Year 2002/2003 (less \$12,935.00, which is the 5% administrative charge to North Beach Development Corporation) and reallocating \$7,268.83 in prior years' Quality of Life funding to be expended on projects as recommended by the City Administrations in the Appendix A to this Resolution, providing \$586,573.00 in available Resort tax funds for the purpose of funding tourism oriented projects in the North Beach area.

PASSED and ADOPTED this 9th day of June, 2004.

MAYOR

ATTEST:

CITY CLERK

JMG/RCM/mas

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

6-2-04
Date

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139



OFFICE OF THE CITY CLERK

CITY HALL
1700 CONVENTION CENTER DRIVE
TELEPHONE: 673-7411

COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 9, 2004

From: Jorge M. Gonzalez
City Manager

Subject: BOARD AND COMMITTEES

BACKGROUND:

Attached are the applicants that have filed with the City Clerk's Office for Board and Committee appointments.

ADMINISTRATION RECOMMENDATION:

That appointments be made as indicated.

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Board of Adjustment	7	City Commission	2	Page 6
Community Development Advisory Committee	14	Commissioner Simon Cruz Mayor David Dermer	1 2	Page 11
Convention Center Advisory Board	7	Mayor David Dermer	1	Page 15

AGENDA ITEM
DATE

R9A
6-9-04

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Convention Center Capital Projects Oversight Com.	7	Mayor David Dermer	1	Page 16
Design Review Board	7	City Commission	1	Page 18
Fine Arts Board	14	Commissioner Jose Smith Commissioner Matti H. Bower	1 1	Page 19
Health Advisory Committee	11	City Commission	1	Page 21
Hispanic Affairs Committee	7	Mayor David Dermer	1	Page 24
Marine Authority	7	Commissioner Simon Cruz Mayor David Dermer	1 1	Page 28
Miami Beach Commission on Status of Women	21	Commissioner Jose Smith Commissioner Saul Gross	1 1	Page 29
Miami Beach Florida Sister Cities	22	Mayor David Dermer	2	Page 32

AGENDA ITEM _____
DATE _____

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Parks and Recreational Facilities Board	10	Mayor David Dermer	1	Page 35
Personnel Board	10	City Commission	1	Page 36
Planning Board	7	City Commission	1	Page 37
Public Safety Advisory Committee	7	Commissioner Luis R. Garcia, Jr. Mayor David Dermer	1 1	Page 41
Safety Committee	14	Commissioner Matti H. Bower Commissioner Saul Gross Mayor David Dermer	1 1 1	Page 42
Visitor and Convention Authority	7	City Commission	1	Page 45
Youth Center Advisory Board	10	Commissioner Simon Cruz	1	Page 46

Attached is breakdown by Commissioner or City Commission:


JMG:REP/lg

City Commission Committees

Committee	Position	First Name	Appointed by	Appointed
Finance & Citywide Projects Committee				
	Liaison	Patricia Walker	Mayor Dermer	11/25/03
	Alternate	Commissioner Simon Cruz	Mayor Dermer	11/25/03
	Vice-Chair	Commissioner Richard L. Steinberg	Mayor Dermer	11/25/03
	Chairperson	Commissioner Jose Smith	Mayor Dermer	11/25/03
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
Land Use & Development Committee				
	Liaison	Jorge Gomez	Mayor Dermer	11/25/03
	Alternate	Commissioner Jose Smith	Mayor Dermer	11/25/03
	Member	Commissioner Saul Gross	Mayor Dermer	11/25/03
	Chairperson	Commissioner Luis R. Garcia	Mayor Dermer	11/25/03
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
Neighborhood/Community Affairs Committee				
	Liaison	Vivian Guzman	Mayor Dermer	11/25/03
	Alternate	Commissioner Luis R. Garcia	Mayor Dermer	11/25/03
	Member	Commissioner Richard L. Steinberg	Mayor Dermer	11/25/03
	Chairperson	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
	Member	Commissioner Saul Gross	Mayor Dermer	11/25/03

NON-CITY COMMISSION COMMITTEES

Commissioner Matti Herrera Bower

- **Miami Beach Transportation Management Association (TMA)**
- **Dade Cultural Alliance**
- **Tourist Development Council**
- **Performing Arts Center Trust (PACT)**

Commissioner Luis R. Garcia, Jr.

- **Unclassified Employees and Elected Officials Retirement System**
- **Greater Miami Convention and Visitors Bureau**

Commissioner Jose Smith

- **Metropolitan Planning Organization**

Commissioner Richard L. Steinberg

- **Miami-Dade County Homeless Trust Board - Appointed by Miami-Dade League of Cities**
- **Miami-Dade League of Cities**

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R9 - New Business and Commission Requests

R9A1 Appointment Of Two (2) Citizens At-Large To The Board Of Adjustment.
(City Clerk's Office)

Agenda Item R9A1
Date 6-9-04

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**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE M. GONZALEZ
CITY MANAGER**

**FROM: LUIS R. GARCIA JR.
COMMISSIONER**

DATE: APRIL 30, 2004

RE: AGENDA ITEM- BOARD OF ADJUSTMENT



Please place on the May 5th Commission agenda an item nominating Mr. Carl Linder to the Board of Adjustment. His application and resume has been provided to the City Clerk's office.

If you have any questions, please feel free to contact my Aide, Ms. Perez-Trujillo at extension 6528.

Thank you.

Agenda Item R9A2
Date 6-9-04

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C: Trish
Lilia



**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE M. GONZALEZ
CITY MANAGER**

FROM: SIMON CRUZ 
COMMISSIONER

DATE: MAY 18, 2004

RE: AGENDA ITEM

Please place on the May 26th, 2004 City Commission Meeting, my nomination of Abraham Galbut to the Health Advisory Board.

SC/ml

Agenda Item B9A3
Date 6-9-04

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R9 - New Business and Commission Requests

R9A4 Appointment Of One (1) Citizen To The Planning Board.
(City Clerk's Office)

AGENDA ITEM R9A4
DATE 6-9-04

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R9 - New Business and Commission Requests

R9B(1)	Dr. Stanley Sutnick Citizen's Forum.	(1:30 p.m.)
R9B(2)	Dr. Stanley Sutnick Citizen's Forum.	(5:30 p.m.)

AGENDA ITEM R9B1+2
DATE 6-9-04

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2004 MAY 20 AM 11:23

C: CMC
MA
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CITY OF MIAMI BEACH CITY MANAGERS OFFICE
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE M. GONZALEZ
CITY MANAGER

FROM: DAVID DERMER
MAYOR

DATE: MAY 20, 2004

RE: AGENDA ITEM

Please place on the May 26, 2004 agenda the enclosed resolutions extending invitations of Sister City Relationships to the cities of Fotalenza, Brazil and Nahariya, Israel and terminating the Sister City relationship with the City of Ramat Gan, Israel.

Thank you.

DD:jb

Agenda Item R9C
Date 6-9-04

**CITY OF MIAMI BEACH
CITY ATTORNEY'S OFFICE**

RECEIVED
2004 MAY 19 PM 3:51
MAYOR/COMMISSION
BY _____

TO: Jose Bermudez
Special Advisor to the Mayor

FROM: Murray H. Dubbin
City Attorney

MHD

DATE: May 19, 2004

SUBJECT: Sister Cities

Per your request I am enclosing resolutions extending invitations of Sister City Relationships to the cities of Fortaleza, Brazil and Nahariya, Israel, and terminating the Sister City Relationship with the City of Ramat Gan, Israel.

These have all been approved as to form and language for execution and are ready for consideration by the Commission.

MHD:lm

Encl.

cc: Jorge M. Gonzalez
City Manager

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION
OF THE CITY OF MIAMI BEACH, FLORIDA, EXTENDING
AN INVITATION TO THE CITY OF NAHARIYA, ISRAEL,
TO BECOME A SISTER CITY OF MIAMI BEACH,
FLORIDA. DESIGNATING MAYOR DAVID DERMER AS
THE CITY'S REPRESENTATIVE AND TRANSMITTING
THIS RESOLUTION TO THE OFFICIALS OF NAHARIYA,
ISRAEL.**

WHEREAS, it has been the policy of the United States of America to establish and maintain a "People to People" Program designed to foster and encourage warm understanding and cordial friendship between the People of the United States of America and other nations through the medium of direct personal contact; and

WHEREAS, it is the desire and intent of the City Commission of the City of Miami Beach to implement said program, by affiliating the City of Miami Beach and its people with another City and another nation, possessing inherently similar characteristics and interest as a Sister City; and

WHEREAS, the people of the City of NAHARIYA, ISRAEL have declared this desire to join with the City of Miami Beach in a mutual agreement of friendship and the exchange and promotion of the cultural, economic and social ties between each other; and

WHEREAS, the lofty ideals and principles of Equality, Liberty, Justice and Righteousness are the basic tenets of our people and there exist further similarities amongst them.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND MEMBERS
OF THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, as follows:**

SECTION 1. That this City Commission, on behalf of the City of Miami Beach, Florida, hereby extends an invitation to the Government and People of the City of NAHARIYA, ISRAEL.

To participate with the City of Miami Beach, as its Sister City, in the Sister Cities International "People to People" Program, for the purpose of creating between the peoples of our two great nations and cities a most cordial and mutually beneficial relationship of harmony, understanding, good will and inspiration.

Section 2. That the Honorable David Dermer, Mayor of the City of Miami Beach, Florida, is hereby appointed as the City's representative and Chairman for said program.

Section 3. That a copy of this Resolution shall be transmitted to the Mayor, and other Government Officials of the City of NAHARIYA, ISRAEL; and to the Sister Cities' International Program Headquarters in Washington, D.C.

PASSED and **ADOPTED** this _____ day of _____, 2004.

ATTEST:

MAYOR

CITY CLERK

MHD:lm

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

[Signature] 6-4-04
City Attorney Date

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION
OF THE CITY OF MIAMI BEACH, FLORIDA, EXTENDING
AN INVITATION TO THE CITY OF FORTALEZA, BRAZIL,
TO BECOME A SISTER CITY OF MIAMI BEACH,
FLORIDA. DESIGNATING MAYOR DAVID DERMER AS
THE CITY'S REPRESENTATIVE AND TRANSMITTING
THIS RESOLUTION TO THE OFFICIALS OF FORTALEZA,
BRAZIL.**

WHEREAS, it has been the policy of the United States of America to establish and maintain a "People to People" Program designed to foster and encourage warm understanding and cordial friendship between the People of the United States of America and other nations through the medium of direct personal contact; and

WHEREAS, it is the desire and intent of the City Commission of the City of Miami Beach to implement said program, by affiliating the City of Miami Beach and its people with another City and another nation, possessing inherently similar characteristics and interest as a Sister City; and

WHEREAS, the people of the City of FORTALEZA, BRAZIL, which was founded in 1611 and is the main tourist destination in the Northeast region of Brazil, have declared this desire to join with the City of Miami Beach in a mutual agreement of friendship and the exchange and promotion of the cultural, economic and social ties between each other; and

WHEREAS, the lofty ideals and principles of Equality, Liberty, Justice and Righteousness are the basic tenets of our people and there exist further similarities amongst them.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND MEMBERS
OF THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, as follows:**

SECTION 1. That this City Commission, on behalf of the City of Miami Beach, Florida, hereby extends an invitation to the Government and People of the City of FORTALEZA, BRAZIL.

To participate with the City of Miami Beach, as its Sister City, in the Sister Cities International "People to People" Program, for the purpose of creating between the peoples of our two great nations and cities a most cordial and mutually beneficial relationship of harmony, understanding, good will and inspiration.

Section 2. That the Honorable David Dermer, Mayor of the City of Miami Beach, Florida, is hereby appointed as the City's representative and Chairman for said program.

Section 3. That a copy of this Resolution shall be transmitted to the Mayor, and other Government Officials of the City of FORTALEZA, BRAZIL; and to the Sister Cities' International Program Headquarters in Washington, D.C.

PASSED and **ADOPTED** this _____ day of _____, 2004.

ATTEST:

MAYOR

CITY CLERK

MHD:lm

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

M. H. Wink 5-12-04
City Attorney Date

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO RAMAT GAN, ISRAEL, ESTABLISHED AS A SISTER CITY ON JULY 21, 1971 BY RESOLUTION NO. 13322; DETERMINING THAT THE PURPOSES OF SAID RESOLUTION NO LONGER EXIST; TERMINATING SAID RELATIONSHIP AND REPEALING RESOLUTION NO. 13322.

WHEREAS, by Resolution No. 13322 adopted July 21, 1971, Miami Beach established a Sister City Relationship with the City of Ramat Gan, Israel; and

WHEREAS, said relationship has continued uninterrupted up to this date; and

WHEREAS, in recent days the communication between the two cities has deteriorated and mutual participation in programs has diminished so that the purposes and objectives of the relationship are no longer viable.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND MEMBERS OF THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, as follows:

- Section 1.** The above recitals are correct and are adopted as findings of the Mayor and City Commission.
- Section 2.** Resolution No. 13322 heretofore adopted on July 21, 1971 is repealed and of no further force and effect.
- Section 3.** The Sister City Relationship between Miami Beach, Florida, and Ramat Gan, Israel, is hereby resolved and of no further force and effect.
- Section 4.** A copy of this Resolution shall be transmitted to the appropriate officials of Ramat Gan, Israel, and such other agencies who are involved in the Sister Cities Program in the United States.

PASSED and ADOPTED this _____ day of _____, 2004.

ATTEST:

CITY CLERK

MHD:lm

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**MAYOR
APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

M. H. D. [Signature] 5-19-04

City Attorney Date

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2004 MAY 17 AM 10:15
CITY MANAGERS OFFICE
BY _____

C: CMC, RCM
MHD
LC

**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

TO: JORGE GONZALEZ
CITY MANAGER

FROM: RICHARD STEINBERG *RLS/sm*
COMMISSIONER

DATE: May 14, 2004

RE: May 26th Commission Agenda- Discussion Item regarding
Status of the Examination of Concurrency Policies in the City
of Miami Beach

I would like to receive an update on the status of the examination of the concurrency policies in the City of Miami Beach. Please place this as an item for discussion on the May 26th Commission agenda.

If you need anything further, please feel free to contact my Aide, Ms. Dolores Mejia, at extension 6834.

RLS/dm

Agenda Item 890
Date 6-9-04

CITY OF MIAMI BEACH
Office of the City Manager



Letter to Commission No. 082-2004

To: Mayor David Dermer and Members of the City Commission

Date: April 9, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **Concurrency**

A handwritten signature in cursive script, appearing to read "Jorge", written over the word "Concurrency".

The City is currently undertaking a review of its Comprehensive Plan through the Evaluation and Appraisal Report (EAR) process. The process is intended to identify major issues of importance to the City. Issues related to transportation congestion, and to development and density will be among the most important concerns facing the City. As we begin this process, special focus will be placed on examining the City's Concurrency policies, in order to address the impacts of future development on the traffic circulation and infrastructure needs of Miami Beach.

The City Commission and the Administration started to examine the concurrency issue in depth beginning over a year ago. The Ad Hoc Concurrency Committee was appointed to look into the City's concurrency system and to make recommendations to the City Commission. The City's Planning Board has also begun to make a preliminary view of the concurrency system. Since then, several steps have been taken by the Commission and the Administration to address the most immediate concerns identified.

- An exemption for small businesses which generate less than 100 vehicle trips per day was enacted by the City Commission.
- The City no longer charges applicants an administrative fee when it is determined that there is no net impact from the proposed project upon the City's roadway network.
- The Concurrency Management review function has been moved out of the Public Works Department and into the Planning Department, in order to streamline the review function and make the application process more convenient.

The Ad-Hoc Concurrency Committee, with the assistance of City staff, has studied the concurrency system in depth and has come to a conclusion regarding possible steps the City should take. The Committee has voted to recommend the following four proposals to the City Commission:

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APR 12 2004
BY MAYOR / COMMISSION

1. Support a Regional Traffic Study involving the examination of traffic flows throughout the barrier island region, including adjacent municipalities such as Surfside, Bal Harbor, Sunny Isles Beach, and perhaps even Hallandale and Hollywood in Broward County. This study would establish the traffic flows of commuters using Miami Beach as a cut-through to downtown Miami from further north. The study could make recommendations that may help divert traffic to I-95 through other corridors, as well as focus on development trends in other municipalities which may have negative effects on the regional roadway network.
2. Support a City-wide Transportation Master Plan which would examine traffic flows within Miami Beach, paying special attention to the serious "choke-points" which are causing the most trouble for traffic circulation. Such a master plan would go beyond the Municipal Mobility Plan (MMP) to focus more on improving traffic movement or traffic flow, where possible, and specifically addressing possible improvements to the identified "choke-points".
3. Explore the concept of a Major Development Project Review Process as an alternative to the current system of traffic concurrency. Such a system is used by other municipalities, for example in Miami, and would seek to ensure that developments over a certain threshold are assessed an appropriate fee that would defray the impacts such projects have on the City's infrastructure. Integrate the Transportation Master Plan and the Major Development Review concept into the City's Comprehensive Plan during the upcoming Evaluation and Appraisal Report (EAR) process.
4. Evaluate the current practice of granting credits for the proximity of transit facilities to proposed developments when calculating concurrency impact fees. While state law specifies that credits are to be granted for bus routes and circulator transit routes, the state mandated credits granted appear to be out of proportion to the actual number of transit riders associated with large development projects. Explore how a major development project review process (#3 above) could assess impact fees on projects exceeding certain thresholds, without applying credit for transit facilities in such a blanket manner.

The Planning Board has also held discussions regarding the concurrency system and has recommended that the City Commission urgently address the issues as soon as possible.

The next two months, during the City's EAR process, will be a particularly good time to discuss these issues in a variety of forums. The City has scheduled several citizen meetings, and meetings will be held with the Planning Board and City Commission, as well as scoping meetings with the staff of several State and local agencies such as the South Florida Regional Planning Council, the Florida Department of Community Affairs, Miami-Dade County and adjacent local municipalities.

We expect to be able to make progress on addressing the major issues of concern to the City, and to especially focus on solutions that will address the long-term planning concerns regarding transportation congestion and future development.

If you have any questions relative to this matter, or require additional information, please contact me.

JMG:CMC:JGG:RGL

c: Christina Cuervo, Assistant City Manager
Bob Parcher, City Clerk
Murry Dubbin, City Attorney
Gary Held, Assistant City Attorney
Jorge G. Gomez, Planning Director
Richard Lorber, Planning and Zoning Manager
Mercedes Lamazares, Principal Planner
Stephen Foren, Senior Planner
Henry Johnson, Planning Department

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R9 - New Business and Commission Requests

R9E The Committee Of The Whole Will Meet During The Lunch Break In The City Manager's Large Conference Room Regarding The Fiscal Year 2004/05 Proposed Operating Budget Request For The Office Of Mayor And City Commission.

(Budget & Performance Improvement)

AGENDA ITEM R9E
DATE 6-9-04

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 9, 2004

From: Jorge M. Gonzalez
City Manager

Subject: A DISCUSSION REGARDING THE CURRENT STATUS OF THE ISLAND
GARDENS PROJECT PROPOSED ON WATSON ISLAND.

Attached, please find Letter To Commission (LTC) Number 139-2004, which provides an update on the NOPC process regarding Watson Island. The City Commission should discuss the City's position, if any, relative to the issues identified in the LTC.

On May 28, 2004, the South Florida Regional Planning Council (the "Council") presented their recommendations and comments to the Florida Department of Community Affairs (DCA). On the same day, the DCA provided comments and recommendations to the City of Miami regarding the Notification of Proposed Change.

On June 2, 2004, the City of Miami Planning Advisory Board met to consider a Major Use Special Permit (MUSP) for the Island Gardens project. The MUSP identifies residential uses proposed within the project and pursuant to the Council's correspondence to DCA, residential uses would trigger an amendment to the Comprehensive Plan and amendment to the DRI.

Next Steps

Major Use Special Permit

The City of Miami Commission will consider the MUSP at an upcoming meeting. This will provide an opportunity for the City of Miami Beach to present arguments and state the City's position on the proposed project.

Notification of Proposed Change / DRI Development Order

A public hearing has been scheduled to approve the Development Order, at which time the City of Miami will consider the concerns provided by DCA and the Council, and may amend the Development Order to address those concerns.

The Council and the DCA will review the final Development Order to insure that their concerns are addressed. If they are not addressed, the Council may recommend appeal, and ask to follow the substantial deviation process. These concerns include a restriction that there will be no residential component to the Island Gardens project.

Following Miami City Commission Approval of the MUSP and/or the Development Order, those decisions may be appealed to the appellate division of the circuit court if concerns have not been adequately addressed.

Agenda Item

R9F

Date

6-9-04

Deed Restriction

Additionally, the waiver of the public use deed restriction is scheduled before the Cabinet Aides on June 16, 2004, and before the Cabinet for approval on June 24, 2004. There will be an opportunity for public comment at the Cabinet meeting.

JMG/^{AK}CMC/kc

Attachments

LTC No. 139-2004

T:\AGENDA\2004\Jun0904\Regular\Watson Island DRI CM.doc

CITY OF MIAMI BEACH
Office of the City Manager
Letter to Commission No. _____

139-2004



To: Mayor David Dermer and
Members of the City Commission

Date: June 2, 2004

From: Jorge M. Gonzalez
City Manager

A handwritten signature in cursive script, appearing to read "Jorge", written over the printed name of the City Manager.

Subject: ISLAND GARDENS / WATSON ISLAND – NOTIFICATION OF PROPOSED CHANGE

The purpose of this LTC is to update the Mayor and City Commission on the status of the Notification of Proposed Change (NOPC) to the Downtown Miami Development of Regional Impact (DRI).

On May 13, 2004, the Administration transmitted comments on the NOPC to the South Florida Regional Planning Council (the "Council"). This package of comments included:

- Resolution 2004-25566, which the City Commission adopted on May 5, 2004
- May 5, 2004 Commission Memorandum
- May 5, 2004 Transcript of the Watson Island discussion item
- DMJM Harris (City's transportation consultant) Report on their review of the Transportation Assessment submitted as part of the NOPC
- Urban Environmental League letter to the City of Miami
- February 7, 2002 letter to the City of Miami

On May 20, 2004, Shutts & Bowen, LLP, representing Flagstone Island Gardens, submitted their response to the City of Miami Beach's comments to the South Florida Regional Planning Council. Additionally, on May 27, 2004, the Downtown Development Authority also submitted its response to the City's comments to the Council. Copies of their responses are attached.

On May 28, 2004, the South Florida Regional Planning Council submitted its comments on the NOPC to the Florida Department of Community Affairs (DCA). In this letter, Council staff recommends the proposed changes be determined to be a substantial deviation, because the proposed project will require additional development order amendments or conditions to satisfy impacts created by the marina that have not been identified as proposed changes to the development order for the Downtown Miami - Increment II DRI. The Council had comments on Seagrass and Benthic Community Mitigation and on Transportation, and their letter states that portions of the traffic analysis do not clearly and convincingly rebut the presumption that no roadways will be significantly impacted.

Additionally, the Council states that the Development Order should specify that development on Watson Island is limited to the types and amounts proposed within the NOPC and are not subject to the application of the existing flexibility matrix. As an example, the Council recommends that the uses on Watson Island cannot be converted to

residential uses without an amendment to the comprehensive plan and an amendment to the DRI.

The Council identifies is that no development, including the vested portion of the marina uses, should be permitted until issues related to the existing public use deed restriction on the land has been resolved with the State. The Council also forwarded to the DCA the City's comments, as well as comments from the Florida Department of Transportation, DERM, and the South Florida Water Management District.

The Council letter to DCA notes that "the development order should specify that development on Watson Island is limited to types and amounts proposed within this application and is not subject to application of the existing flexibility matrix. For example, the uses on Watson Island cannot be converted to residential uses without an amendment to the Comprehensive Plan and an amendment to the DRI."

On May 28, 2004, the Department of Community Affairs transmitted its comments to the City of Miami Planning and Zoning Department. In this letter, DCA agrees with the Council's concerns and states that it has determined that additional modifications are necessary to ensure that the NOPC does not require review as a substantial deviation to the DRI development order.

On June 2, 2004, the City of Miami Planning Advisory Board will meet to consider a Major Use Special Permit (MUSP) for the Island Gardens Project. In the agenda item regarding the MUSP approval for Island Gardens project, the memorandum includes a finding that the proposed development project will benefit the area by creating new residential and commercial opportunities on Watson Island..." (i.e. 105 fractional ownership units.)

Therefore, the introduction of residential uses requires both Comprehensive Plan and DRI amendments, neither which have been sought to our knowledge. This obviously also requires a review of the impact on hurricane evacuation, which at this point has not been required by SFRPC as no residential had been contemplated.

Future Pending Actions

Another issue related to Watson Island is the public use deed restriction. The development property was deeded to the City of Miami by the State of Florida in 1949. The City of Miami is currently processing a waiver of the deed restriction, which must be approved by the Florida Cabinet. This item is expected to go to the Cabinet Aides on June 16 and to the Cabinet for approval on June 24.

The City Commission should discuss the City of Miami Beach's position, if any, relative to the aforementioned issues. Accordingly, a discussion item has been scheduled on the June 9, 2004, City Commission agenda.

If you have any comments or questions, please do not hesitate to contact me.

JMG\CMC^{sup}/kc

c: Murray Dubbin, City Attorney
Robert Parcher, City Clerk
Christina M. Cuervo, Assistant City Manager
Jorge Gomez, Planning Director
Fred Beckman, Public Works Director
Kevin Crowder, Economic Development Division Director

Attachments:

May 28, 2004 DCA Letter
May 28, 2004 South Florida Regional Planning Council Letter
May 21, 2004 South Florida Water Management District Letter
May 14, 2004 Miami-Dade County DERM Letter
April 29, 2004 Kittelson & Associated Inc. Letter
May 13, 2004 City of Miami Beach Letter
May 20, 2004 Shutts & Bowen Letter
May 27, 2004 Downtown Development Authority Letter
June 2, 2004 Miami Planning Advisory Board Agenda Item - Analysis for Major Use
Special Permit for the Island Gardens Project

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04 JUN -3 AM 2:36
CITY CLERK'S OFFICE



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

THADDEUS L. COHEN, AIA
Secretary

May 28, 2004

Ms. Lourdes Y. Slazyk
City of Miami Planning and Zoning Department
444 S.W. 2nd Avenue, Third Floor
Miami, Florida 33130

Dear Ms. Slazyk:

The Department has reviewed the Notice of Proposed Change, received on April 14, 2004, for the Downtown Miami Increment II, which proposes to modify the boundary to allow for the development of a hotel, related retail and marina uses on Watson Island. The proposed change to modify the boundary of the NOPC and to expand the marina use constitute changes that are subject to Section 380.06(19)(e)(3), F.S., and are presumed to result in a substantial deviation, unless adequately rebutted. The Department has determined that additional modifications are necessary to ensure that the NOPC does not require review as a substantial deviation to the DRI development order.

The NOPC clearly explains the intent to develop the island as previously described; however, the NOPC does not propose any specific development order (DO) conditions to limit the development in accordance with the proposed development plan. As such, the development order would potentially allow the reallocation of uses based on the flexibility matrix within the current DO. This could potentially result in the development of uses on the island, resulting in regional impacts not previously reviewed. To correct this problem, the development order should be amended to include a condition that specifies the uses allocated to the Watson Island parcel and to incorporate a basic master plan for those uses.

The Department is also concerned that the proposed marina may result in a substantial deviation, unless it is clearly established that the proposed redevelopment of the marina would not result in a divesting of the vested marina use as described in our November 15, 2004 binding letter (BLIVR 11003-001), shown in Exhibit C to the NOPC. In order to retain vesting, the redevelopment must occur within the same footprint as the vested marina. In that case, the resulting new marina use would be eight slips, which is less than the substantial deviation threshold set forth in Section 380.06(19)(b), which provides that an additional 20 slips would trigger a substantial deviation. The development order should demonstrate that no more than 19 slips would occur outside of the vested footprint.

Ms. Slazyk

2555 SHUMARD OAK BOULEVARD \$ TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2456

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 412-0000

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 412-0000

May 28, 2004
Page Two

Finally, the Department has received the attached letter, dated May 28, 2004, from the South Florida Regional Planning Council (SFRPC), which letter sets forth similar concerns. We recommend that the City and applicant coordinate with the SFRPC staff to resolve the concerns outlined in their letter before proceeding to a final public hearing. If you have any questions regarding our concerns, please contact Ken Metcalf, AICP, Regional Planning Administrator, at (850) 922-1807.

Sincerely,

Charles Gauthier, AICP
Chief, Office of Comprehensive Planning

cc: Ms. Carolyn Dekle, Executive Director, SFRPC
Ms. Dana Nottingham, Executive Director, DDA
Ms. Judith Burke



RECEIVED
2004 MAY 32 PM 2:25

May 28, 2004

Mr. Dickson Ezeala
Florida Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399-2100

Re: Increment II of the Downtown Miami Development of Regional Impact (DRI)
Island Gardens/Watson Island - Notification of Proposed Change

Dear Mr. Ezeala:

On April 13, 2005, Council staff received a Notice of Proposed Change (NOPC) for the Downtown Miami - Increment II DRI. The application proposes to increase the land area of the Downtown Miami DRI to accommodate the development of a marina, hotel and retail uses on a portion of Watson Island.

Council staff does not object to this development plan; however, Council staff recommends the proposed changes be determined to be a substantial deviation, pursuant to Chapter 380.06(19), F.S. because the proposed project will require additional development order amendments or conditions to satisfy impacts created by the marina that have not been identified as proposed changes to the development order for the Downtown Miami - Increment II DRI. Additionally, portions of the traffic analysis do not clearly and convincingly rebutt the presumption that no roadways will be significantly impacted. Prior to the adoption of any amendments to the development order the City of Miami should ensure that the following issues have been addressed.

Seagrass and Benthic Community Mitigation

The application identifies the proposed marina will require mitigation for impacts to seagrass beds and benthic communities, including the relocation of corals. According to the analysis submitted, the project would require a mitigation area of 1.87 acres. This area was determined by utilizing a mitigation ratio of 3 to 1, while the appropriate mitigation ratio is reported by the South Florida Water Management District to be 3.5 to 1. No development order conditions have been proposed to address this impact. Pursuant to Rule 9J-2.041(7), F.S. the development order shall establish the acreage, location, and type of habitat of offsite mitigation.

The application describes a relocation plan for corals that would commence in May 2004. This proposed relocation plan needs to be updated and integrated as part of the development order as should NOPC Exhibits D-4 through D-6 that depict the location of the marina and marina slips as well as procedures for Spill Prevention, Control and Countermeasures, and waste pumpout and disposal.

The monitoring of seagrass mitigation areas and coral relocations should also be incorporated into the Annual Monitoring Report provisions.

Transportation

The flexibility matrix for Downtown Miami – Increment II DRI contains slightly different conversion rates for many of the land uses. The revised matrix, which now includes marina, does not indicate why these rates have changed. Changes in the rates were not part of the agreed to traffic methodology.

General

The development order should include a revised legal description of the subject property, including submerged lands.

As indicated in the pre-application summary, the development order should also specify that development on Watson Island is limited to the types and amounts proposed within this application and is not subject to the application of the existing flexibility matrix. For example, the uses on Watson land cannot be converted to residential uses without an amendment to the comprehensive plan and an amendment to the DRI.

The development property was deeded to the City of Miami in 1949. The City of Miami is currently processing a waiver of the "public use" deed restriction. No development, including the vested portion of the marina uses should be permitted until this restriction is approved.

Attached for your consideration are comments from the Florida Department of Transportation, Miami-Dade County Department of Environmental Regulation, and the South Florida Water Management District. Additional comments from the City of Miami Beach and responses to these comments from the applicant and the Downtown Development Authority are attached.

Council staff is coordinating with other review agencies in the hope that these concerns may be addressed by the applicant prior to the public hearing. We, therefore, respectfully request that you notify us of the public hearing, as soon as it is scheduled. Please do not hesitate to call me or Javier Betancourt, Council staff, with any question or comments regarding this matter.

Sincerely,


Carolyn A. Dekle
Executive Director

CAD/tnb

Attachment

cc: Attached Distribution list



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

CON 24-06

Environmental Resource Regulation

May 21, 2004

Mr. Kirk Lofgren
Coastal Systems International, Inc.
464 South Dixie Highway
Coral Gables, Florida 33146

S.F.R.P.C

MAY 24 74

Dear Mr. Lofgren:

**SUBJECT: Application Number 030714-19, Island Gardens Mega-Yacht Harbor,
S31/T53S/R42E, Miami-Dade County**

The staff has completed a review of the additional information received April 24 and May 12, 2004 for the above-referenced application. Pursuant to Rule 40E-4, Florida Administrative Code (FAC), the District requests the following information to complete the application.

1. As previously requested, the response received states that negotiations to modify the deed restrictions are being finalized. As previously requested, please provide the Board of Trustees final action regarding this issue to the District.
2. As previously stated, dredging is proposed within the 100-foot easement (O.R.B. 3622). Please provide documentation from the easement holder (U.S. Army Corps of Engineers) that the proposed dredging will not conflict with the easement holder's activities. This documentation is necessary to provide a reasonable assurance that the project, as proposed, can be constructed.
3. The turbidity screens typical plan contained within the turbidity management plan at the project site indicates that the turbidity screens will only extend to a depth of -14-feet. Please revise this proposal to indicate that turbidity screens will extend to the bottom. Additionally, please provide a typical plan for the mitigation sites indicating that turbidity management devices will extend to the bottom.
4. The response package indicates that the benthic mitigation plan includes two options. Please provide a revised proposal identifying which option will be incorporated into this plan. Please provide executed copies of all necessary permits to conduct the proposed work.
5. The response package received February 12, 2004 discusses the Miami-Dade County Manatee Protection Plan (MDCMPP). The response received on April 23,

GOVERNING BOARD

Nicolás J. Gutiérrez, Jr., Esq., Chair
Pamela Brooks-Thomas, Vice-Chair
Irela M. Bagué

Michael Collins
Hugh M. English
Leonard E. ...

Kevin McCarty
Harkley R. Thornton

EXECUTIVE OFFICE

Henry Dean, Executive Director

Mr. Kirk Lofgren

May 21, 2004

Page 2 of 5

2004 provides a draft response from Miami-Dade County regarding the project's consistency with the manatee protection plan. Please provide a final, signed copy of this correspondence.

The following comments are provided to assist the applicant in submitting a permissible proposal. Be advised that resolution of these issues will be required prior to staff recommending approval of this application.

- A. The seagrass mitigation proposal includes a proposed mitigation ratio of 3:1. The applicant has provided the appropriate information necessary to conduct a UMAM (Rule 62-345, Florida Administrative Code) analysis, as requested by the applicant. The result of this analysis indicates that a mitigation ratio of 3.5:1.0 would be required to offset the seagrass component of the proposed impact. Please provide a revised seagrass mitigation plan consistent with this ratio. As an option the applicant may choose to provide additional (over and above what is required to offset the hard bottom impacts proposed) hard bottom mitigation (out-of-kind) at a 0.5:1.0 ratio.

In accordance with Rule 40E-1.603(1)(b), FAC, if the requested information is not received within 90 days of the date of this letter, this application may be processed for denial if not withdrawn by the applicant. Please submit four copies of this information and include the above referenced application number. Should you have any questions, please call Ron Peekstok at 561-682-6956. Please include a copy of the enclosed "Transmittal Form for Requested Information" to each of the required copies of the requested information.

Sincerely,



Ed Cronyn
Senior Supervising Environmental Analyst
Natural Resource Management Division

cc: Miami-Dade County DERM – Many Tobon, Lee Hefty, Molly Messer
U.S. Army Corps of Engineers – Penny Cutt
NOAA/National Marine Fisheries Service – Audra Livergood
U.S.E.P.A. – Ron Miedema
U.S.F.W.S. – Alan Webb
FFWCC – Ann Richards
South Florida Regional Planning Council – Allyn Childers
Greenberg, Traurig, P.A. – Reginald Bouthillier



ENVIRONMENTAL RESOURCES MANAGEMENT

OFFICE OF THE DIRECTOR

33 SW 2nd AVENUE

MIAMI, FLORIDA 33130-1540

(305) 372-6754

FAX (305) 372-6759

S.F.R.P.C

MAY 21 '04

May 14, 2004

Ms. Carolyn Deckle, Director
South Florida Regional Planning Council
3440 Hollywood Blvd., #140
Hollywood, FL 33021

Re: Notification of Proposed Change (NOPC) Expansion of Boundaries/Watson Island

Dear Ms. Deckle:

DERM has reviewed the information submitted concerning the City of Miami Notification of Proposed Change Expansion of Boundaries/Watson Island and offers the following comments:

Coastal Resources:

The DRI includes a proposed marina for large, luxury yachts ("mega-yachts") located on the northwestern portion of Watson Island. Work in tidal waters requires a Miami-Dade County Class I Coastal Construction permit. The Coastal Resources Section of DERM has received an application for the above project and is currently processing the application. Due to the work proposed, the application must be reviewed at a public hearing and approved by the Miami-Dade Board of County Commissioners (BCC) prior to the issuance of the Class I Permit. In addition, the applicant should be advised that Permits or approvals are also required from the Florida Department of Environmental Protection, the South Florida Water Management District, or the U.S. Army Corps of Engineers. Because the Class I application is not yet complete, it is not possible for DERM to make a recommendation of either approval or denial of this particular facility at this time. However, the following information should be noted during the DRI process.

- The review of the information submitted for this DRI application has revealed that several documents are inconsistent with the most recent information in the Class I permit application file. Specifically, these inconsistencies are located in Exhibits D-4, D-5, D-6, D-7, and D-10.
- The proposed coastal construction project involves activities that represent significant potential impact to tidal waters, including dredging and construction of a large piers and docks. Minimum dredging and filling for construction of marine facilities may be permitted pursuant to Sec. 24-58.3(B)(3) of the Code of Miami-Dade County, provided that all other relevant requirements of Ch. 24-58 are met. Sec. 24-58.4 of the Code of

Miami-Dade County requires that adverse environmental impacts be avoided and minimized, and that unavoidable impacts be offset by appropriate mitigation.

- An annual operating permit is also required from Miami-Dade DERM for marinas, terminals, and other similar existing or proposed vessel facilities, pursuant to Ch. 24-35.1 of the Code of Miami-Dade County.
- The Miami River and Biscayne Bay are essential habitat for the West Indian manatee, an endangered species. Projects involving any construction in tidal waters or that include vessel storage or docking facilities should be consistent with the Miami-Dade County Manatee Protection Plan, pursuant to Sec. 24-58.3 of the Code of Miami-Dade County.
- It is generally recommended that water-dependent and water-related uses along the shorelines be retained. However, local and state regulations generally prohibit construction of non-water dependent fixed or floating structures in or over water or filling tidal waters for non-water dependent purposes.

The waters of Biscayne Bay and the Miami River within or adjoining the project area are part of the Biscayne Bay Aquatic Preserve and are classified by the State of Florida as Outstanding Florida Waters. As such, they are subject to strict regulation pursuant to Florida Statutes and Administrative Code, particularly regarding water quality protection and use of state-owned submerged lands.

Water and Sewer:

The proposed development is located within the Miami-Dade Water and Sewer Department (MDWASD) water and sewer franchised service area. The source of water and sewer service for this development is the Hialeah Preston Water Treatment Plant and the Miami Dade Central District Wastewater Treatment Plant, both of which have adequate capacity to meet projected demands from this project. Connection of the proposed development to the public water supply and public sanitary sewer system shall be required. The estimated demand for this addition is 189,164 gallons per day (gpd). This figure does not include irrigation demands.

Stormwater Management:

The proposed development shall require an Environmental Resource Permit issued by FDEP. A Class II Permit is required for the proposed overflow of runoff into the bay. A Class V drainage well permit is required by FDEP, for the construction of the proposed drainage wells.

Hazardous Waste:

The referenced site is currently or was historically permitted with DERM under storage tank permit UT-1282 (Watson Island Fuel & Fishing Supply). The site is a petroleum contaminated site with two identified petroleum discharges documented. A search within 500' of the property did not identify sites with records of current contamination assessment/remediation activities. Be advised that solid waste sites were not identified within a ½ mile radius of the site.

Ms. Carolyn Deckle, Director
Notification of Proposed Change (NOPC)
Expansion of Boundaries/Watson Island
Page 3

Air Quality:

Fugitive dust emissions should be minimized during all construction phases. Any involved demolition will require an asbestos survey and any required asbestos abatement shall be done prior to demolition.

In summary, the above information is offered concerning DERM requirements. It is recommended that actual design development be closely coordinated through this office to insure compliance with all applicable Code requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Alyce M. Robertson", with a long horizontal flourish extending to the right.

Alyce M. Robertson, Assistant Director
Environmental Resources Management

cc: David Dahlstrom, AICP, Senior Planner, SFRPC



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

110 E. BROWARD BLVD., SUITE 2410 • FT. LAUDERDALE, FL 33301 • (954) 735-1245 • FAX (954) 735-9025

April 29, 2004

Project #: 4533.10

Karen McGuire
FDOT District 6
602 South Miami Ave.
Miami, FL 33130

**RE: *Downtown Miami Increment II NOPC
Expansion of Boundaries/Watson Island***

Dear Karen,

Kittelison & Associates has reviewed the notification of proposed changes for the Downtown Miami Development of Regional Impacts dated April 8, 2004. The proposed changes include:

1. an increase in the area and a new description of the boundaries of the Master Development Order to include the Watson Island Property;
2. modification of the Master Development Program Table for Increment II, in order to accommodate the development proposed on Watson Island. This development includes the redevelopment of an existing operational marina. There are 42 existing slips that are considered vested trips, and 8 new slips are proposed.

The traffic analysis (Appendix F of the NOPC) notes that trips will be redistributed from the Brickell, CBD and Omni sub-areas to accommodate 605 hotel rooms. Other land uses, including 221,000 sqft of retail, 7,774 sqft of fish market/restaurant, and 4,000 sqft of maritime gallery will be redistributed from the CBD or Omni sub-areas. The 50-slip marina was included in the analysis, even though 42 of these are considered vested trips.

The new roadways added to the increment II analysis include Alton Road from 15th Street to South Point, and Macarthur Causeway from Collins Avenue to Palm Island Entrance. New traffic counts were taken for these segments – all other segments have traffic counts per the increment II DRI (2002).

Comments are provided below:

- The proposed land use is anticipated to generate 489 AM and 1135 PM vehicular trips (with the transit, bike and pedestrian reductions).

- The redistribution of trips tends to reduce the total number of significantly impacted links (project trips >5%) within the project area. There are two newly impacted links between the Watson Island Entrance and North Miami Avenue along Macarthur Causeway; however these calculations are based on the incorrect vehicular service volume thresholds east of Bayshore Drive. As per the increment II DRI, the applicant has used the LOS threshold E directional service volume of 5990 (1998 LOS Manual) for a freeway in error. The Causeway is an arterial (Class II), not a freeway. Using the correct directional service volume of 2730 (1988 LOS) - the new calculation for the person trip methodology is as follows:

Sample segment WB between Fisher and Palm Island:

Existing roadway person capacity	= 4368
Existing bus capacity	= <u>1348</u>
Total	5716
Existing persons in vehicles	= 4879 (3485 vehicles in the peak direction)
Existing bus patrons	= 552
Growth	= 280 (0.84 compound over 6years)
Committed	= <u>622</u>
Total	= 6333

The projected persons exceed the persons capacity.

- The new traffic counts on the Macarthur Causeway between Bayshore Drive and I-95 are less than the traffic counts per the increment II DRI (2002).

Although the methodology is consistent, we continue to be concerned about the following:

- Trip Generation: reductions in the ITE trip generation (the vehicle occupancy, transit, pedestrian and bike reductions) equate to approximately 45%.
- Levels of Service: the adopted levels of service, which take into account parallel transit facilities (such as E+20), are not appropriate for a person-trip methodology. Future conditions tables include these thresholds, however, they are meaningless.
- Vehicle Occupancy: the forecast vehicle occupancy is 1.6 persons per vehicle. In what year is such a rate suppose to occur? In the DRI analysis for the year 2009, the capacity is based on the vehicle occupancy of 1.6 but the total number of person-trips is based on a vehicle occupancy of 1.4. If it was assumed that the vehicle occupancy increased to 1.6 by 2009 (or some smaller number), the analysis may indicate additional failing segments.

If you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

Miranda Blogg
Kittelson & Associates, Inc.

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139



OFFICE OF THE CITY MANAGER

TELEPHONE: (305) 673-7010

FAX: (305) 673-7782

May 13, 2004

S.F.R.P.C

MAY 13 '04

Carolyn Dekle
Executive Director
South Florida Regional Planning Council
3440 Hollywood Boulevard, Suite 140
Hollywood, FL 33021

Dear Ms. Dekle:

The purpose of this letter is to transmit the City of Miami Beach's comments on the Notification of Proposed Change filed for the expansion of the Downtown Development of Regional Impact (DRI) district boundaries to include the northwest quadrant of Watson Island.

On May 5, 2004, the Miami Beach City Commission held a public hearing to solicit public input regarding this NOPC and adopted the attached resolution. For several years, the Mayor and City Commission of Miami Beach have expressed serious concern regarding the impacts of the proposed developments on Watson Island. The NOPC expands the boundaries of the DRI to include a significant development program on Watson Island, not previously contemplated on the Island, which will further exacerbate the adverse impacts already realized to date. The Mayor and City Commission of Miami Beach feel this is an extremely important issue for our barrier island's future sustainability.

MacArthur Causeway is the key linkage between Miami Beach/South Beach and the mainland, which makes it a key infrastructure asset to the region's economy. Recent developments on Watson Island (i.e. Parrot Jungle and the Children's Museum) have already demonstrated adverse traffic impacts on the MacArthur Causeway, and inevitably, additional impacts will result from the proposed Island Gardens project as well as the proposed FTAA Headquarters and other development planned on Watson Island.

Throughout this DRI process, City of Miami Beach staff has stayed in contact with Council staff, and, as early as February 2002, the City of Miami Beach communicated its desire to participate with the City of Miami on discussions related to Watson Island and participate on the Stakeholder Council formed by the City of Miami. Miami Beach has never been informed of any meetings of the Stakeholder Council to address our ongoing concerns.

Included as attachments to this letter are:

1. Commission Memorandum dated May 5, 2004
2. Commission Resolution adopted May 5, 2004
3. Summary of comments from May 5, 2004 Public Hearing
4. DMJM & Harris, Consultant to the City of Miami Beach, Review of "Transportation Assessment Proposed Boundary Change to the Downtown Miami DRI Increment II" Report, dated May 12, 2004
5. Urban Environmental League Letter dated March 31, 2004
6. City of Miami Beach correspondence to the City of Miami, dated February 7, 2002

As part of the City's review of the NOPC, the attached Commission Memorandum includes comments relative to Boundary Expansion, Land Use, Build Out Date, Transportation Methodology, Transportation Assessment, Comprehensive Plan, Development Moratoriums, and the FTAA. I have summarized our initial findings below, and additional information pertaining to each finding is provided in the attached memorandum. I would especially call your attention to item 5, which clearly demonstrates that the Transportation Assessment did not analyze all of the roadway segments that were identified in the Council's Final Pre-Application Summary. A summary of the relevant issues and areas of concern are as follows:

1. The NOPC appears to be a substantial deviation as defined in 380.06(19)(e)(3), because land area, on which new development is proposed, is being added to the DRI and has not previously been reviewed.
2. The change in the number of hotel rooms approved in Increment II may be a substantial deviation as defined in 380.06(19)(b)(11), because the increase is greater than 5% and greater than 75 units. It must be determined if this is considered a substantial deviation.
3. The Build Out Dates identified in the NOPC (May 20, 2014) appear inconsistent with the Development Order and City of Miami Resolution 02-107 (May 28, 2009).
4. Based on the Build Out Dates identified in the NOPC of May 20, 2014, does the law at the time of application submittal apply and thus, dictate such an extended Build Out Date as a substantial deviation?
5. It appears that the Transportation Consultant did not analyze the study area defined by the South Florida Regional Planning Council, and rather than review the impact on all North, South, East and West roads in Miami Beach (as specified in the pre-application summary), only studied the impact on the MacArthur Causeway and Alton Road.
6. Additional analysis and detailed information is required to determine the traffic impact the project will have on Miami Beach roadway segments.

7. The City of Miami Beach is unable, at this time, to determine whether all committed developments in Miami Beach were analyzed, or only committed developments on 5th Street and on Alton Road were analyzed as part of the traffic analysis. Therefore, the City requests a copy of all committed developments that were reviewed.
8. The public notice for two Watson Island comprehensive plan amendments on the Island Gardens site is clearly a proposed change to the comprehensive plan for the project and would appear to contradict the statement in the NOPC that comprehensive plan amendments are not required by the proposed change. Can it be clarified if the proposed change to the comprehensive plan may not be a "required change" for the project to proceed, and therefore the response in Number 11 of the NOPC is correct?
9. Do the moratoriums and issues related to them affect roadways that are impacted by the Downtown DRI and have any bearing on the traffic analysis and/or substantial deviation review?
10. Does the proposal of Watson Island as one of two preferred sites for the Secretariat of the FTAA have any bearing on the proposed change and the substantive deviation review of impacts on areas that are affected by the Downtown DRI?

Additionally, the City engaged DMJM Harris, as the City's transportation consultant, to review the Transportation Assessment in the NOPC. The City's consultant concurs with the City's findings in number 5 above, that the Transportation Assessment did not analyze the study area, as defined by the Planning Council's Final Pre-Application Summary. The consultant concludes that their "review found various sources for discrepancies throughout the report with various degrees of impact. Discrepancies that need to be addressed and corrected due to their systematic impact to the overall project are:

1. Definition of Build-out Year, 2009 or 2014 and subsequent corrections to the analysis.
2. Selection of appropriate growth year factor (2.5% to 5%) for the Miami Beach area and the MacArthur Causeway and subsequent corrections to the analysis.
3. Use the FDOT standard Maximum Service Volume (MSV) and level of service for MacArthur Causeway and subsequent corrections to the analysis.
4. Include all committed trips to the roadway system and assess the impacts on MacArthur Causeway and the intersection of 5th Street at Alton Road."

I appreciate the opportunity to provide you with the City of Miami Beach's comments on the NOPC to the Downtown Miami DRI. The NOPC has significant impacts on Miami Beach and we appreciate, in advance, your attention and diligence in reviewing the City's comments, the consultant report and public input contained herein. If you need additional information, or have any questions, please contact me at 305-673-7010.

Sincerely,



Jorge M. Gonzalez
City Manager

c: Honorable Mayor and City Commissioners, City of Miami Beach
Honorable Mayor and City Commissioners, City of Miami
Joe Arriola, City Manager, City of Miami
Ken Metcalf, Florida Department of Community Affairs
Dana Nottingham, Director, Downtown Development Authority
Ryan Bayline, Shutts & Bowen

Attachments (6)

**SHUTTS
&
BOWEN
LLP**

ATTORNEYS AND COUNSELLORS AT LAW

May 20, 2004

Carolyn Dekle, Executive Director
South Florida Regional Planning Council
3440 Hollywood Blvd., Suite 140
Hollywood, Florida 33021

S.F.R.P.C.
MAY 24 '04

**Re: Notice of Proposed Change
Increment II of the Downtown Development of Regional Impact
Island Gardens/Watson Island**

Dear Ms. Dekle:

This firm represents Flagstone Island Gardens, LLC ("Flagstone"), the contract lessee of the property located in the northwest quadrant of Watson Island (the "Property"). Flagstone is the developer of a proposed mega-yacht marina and mixed-use development known as Island Gardens (the "Project"). In connection with the development of the Project, the Downtown Development Authority (the "DDA") submitted a Notification of Proposed Change (the "NOPC") as Developer under Increment II of the Downtown Development of Regional Impact ("DDRI"). The NOPC requests a change in the boundaries of the existing DDRI to include the Property.

By way of background, in February 2001, the City of Miami (the "City"), as owner of the Property, issued an RFP for a mega yacht marina and adjacent upland development. After a number of public hearings, Flagstone's proposal for the Project was chosen by an independent Selection Committee and later approved by the City Commission. Thereafter, the Project was placed on the ballot of the November 2001 general election, where it was approved by referendum of sixty-eight (68%) of the City's voters. On April 19, 2002, the DDA voted to expand its boundaries to include the Property. At a public hearing held on December 12, 2002, the City Commission approved the expansion of the DDA boundaries. During the following year, Flagstone and the City negotiated the lease and development agreements for the Project, which were approved by the City Commission at public hearing. Thereafter, the Project was approved by the Urban Development Review Board, the Miami-Dade County Shoreline Development Review Committee, the Waterfront Advisory Board and the City Zoning Board, all at public hearings.

On April 13, 2004, the DDA filed the NOPC with the Department of Community Affairs ("DCA"), the South Florida Regional Planning Council ("SFRPC") and all other

interested parties, including the City of Miami Beach ("Miami Beach"). On May 13, 2004, Miami Beach submitted its comments on the NOPC to the SFRPC. This letter will serve as Flagstone's response to that submittal.

Miami Beach identified the following issues related to the NOPC, as those in need of resolution:

1. The NOPC appears to be a substantial deviation as defined in 380.06(19)(e)(3), because land area, on which new development is proposed, is being added to the DRI and has not previously been reviewed:

The NOPC proposes to expand the existing boundaries of the DDRI to include the Project. Pursuant to Florida Statute 380.06(19)(e)(3), any addition of land not previously reviewed is presumed to create a substantial deviation. As you know, that presumption may be rebutted by clear and convincing evidence. It is clear that all of the evidence submitted with the NOPC, including the Traffic Assessment prepared by David Plummer & Associates, Inc. (the "Traffic Assessment") clearly demonstrates that the proposed expansion of the DDRI is not a substantial deviation. While the statute states that a presumption of substantial deviation exists, the material submitted for review by the DDA clearly rebuts such a presumption.

2. The change in the number of hotel rooms approved in Increment II may be a substantial deviation as defined in 380.06(19)(b)(11), because the increase is greater than five (5%) percent and greater than seventy-five (75) units. It must be determined if this is considered a substantial deviation.

The Development Order for Increment II identifies the quantities of Net New Development for which certificates of occupancy may be issued. There has been no increase in the Net New Development nor any increase in the number of hotel units permitted. The Development Order for Increment II approved the construction of 1605 hotel units under the DDRI. The 605 hotel units planned for the Project utilize less than forty percent (40%) of the available approved hotel units. Further, the Development Order allows the City to permit simultaneous increases and decreases in the allocation of Net New Development, without the need for the filing of an NOPC. Therefore, even if the Project included more than the 1605 hotel units presently available, it would not be a substantial deviation.

3. The Build Out Dates identified in the NOPC (May 20, 2014) appear inconsistent with the Development Order and City of Miami Resolution 02-107 (May 28, 2009.)

There has been no change to the Build Out Date established in the Development Order for Increment II, approved under Resolution 02-1307. The response to question 10 in the NOPC states that fact clearly. The Build Out Date for Increment II is May 28, 2009. There was simply a scrivener's error in the text that stated the Build Out Date was May 28, 2014. The Build Out Date for Increment III, as established in Resolution 94-849 remains December 30, 2014. We reiterate our position that the approval of the NOPC will not result in a change to the Build Out Date for Increment II or Increment III.

4. Based on the Build Out Dates identified in the NOPC of May 20, 2014, does the law at the time of application submittal apply and thus, dictate such an extended Build Out Date as a substantial deviation.

As stated above, there has been no change to the Build Out Dates for Increment II or Increment III. Increment II's Build Out Date remains May 28, 2009 and Increment III's Build Out Date remains December 30, 2014. As there is no extension of the Build Out Date, there is no issue as to whether it might constitute a substantial deviation.

5. It appears that the Transportation Consultant did not analyze the study area defined by the South Florida Regional Planning Council, and rather than review the impact on all North, South, East, and West roads in Miami Beach, (as specified in the pre-application summary), only studied the impact on the MacArthur Causeway and Alton Road.

No significant impact is reported on any corridors leading into Miami Beach (the MacArthur Causeway, 5th Street, and Alton Road). Therefore, the Traffic Assessment was completed in the fashion directed by the SFRPC and outlined in the Final Pre-Application Summary dated November 25, 2002 (the "Summary") and all information contained therein is complete. The Traffic Assessment studied an area, which included all corridors leading to Miami Beach and all North, South, East and West roads, including Alton Road, wherever a significant traffic impact is reported.

6. Additional analysis and detailed information is required to determine the traffic impact the project will have on the Miami Beach roadway segments.

The Traffic Assessment fully analyzed the traffic impact of the Project. It also analyzed the collateral impacts the Project will have, not only on Miami Beach roadways, but on the main roadways and thoroughfares connected thereto. The Traffic Assessment included all information

requested by the participants at the pre-application meeting held at the SFRPC, as outlined in the Summary.

7. The City of Miami Beach is unable, at this time, to determine whether all committed developments in Miami Beach were analyzed, or only committed developments on 5th Street and on Alton Road were analyzed as part of the traffic analysis. Therefore, the City requests a copy of all committed developments that were reviewed.

Miami Beach provided information to David Plummer & Associates, Inc. and to DDA's traffic consultant, outlining all committed developments within the study area. Only the Portofino project was reported to generate over four hundred (400) PM peak hour trips. As outlined in the Summary, it was determined that only committed developments reported to generate over four hundred (400) PM peak hour trips would be used in compiling the Traffic Assessment for the Project.

8. The public notice for two Watson Island comprehensive plan amendments on the Island Gardens site is clearly a proposed change to the comprehensive plan for the project and would appear to contradict the statement in the NOPC that comprehensive plan amendments are not required by the proposed change. Can it be clarified if the proposed change to the comprehensive plan may not be a "required change" for the project to proceed, and therefore the response in Number 11 of the NOPC is correct?

There were two comprehensive plan amendments (the "Amendments") proposed for the Project. Both Amendments provided for the exchange of small parcels of Parks and Recreation designated property for Commercial designated property and a simultaneous exchange of equal size parcels of Commercial for Parks and Recreation designated property. The net effect of the Amendments created no change in the amount of Parks and Recreation or Commercial designated property within the Project. More importantly, neither of the Amendments is required for either the approval of the NOPC or the Project. The Amendments permit Flagstone to slightly reposition certain buildings in the Project. However, there is no change in the proposed uses, size or intensity of the Project whether or not the Amendments are approved.

For your information, the first Amendment was approved at public hearing by the City's Planning Advisory Board and then by the City Commission at first reading. Thereafter, it was approved by the DCA on a No Need to Review Basis and resubmitted to the City where it was approved at a public hearing on second reading by the City Commission.

The second Amendment was approved at public hearing by the Planning Advisory Board and has not as yet been heard by the City Commission.

9. Do the moratoriums and issues related to them affect roadways that are impacted by the Downtown DRI and have any bearing on the traffic analysis and/or substantial deviation review?

The moratoriums recently enacted by the City have no impact on the Project or this NOPC. The property subject to the moratoriums, which are in effect for only a ninety-day (90) period, are not located in close proximity to the Project. Further, none of the areas affected by the moratoriums are within the boundaries of the DDRI.

10. Does the proposal of Watson Island as one of two preferred sites for the Secretariat of the FTAA have any bearing on the proposed change and the substantive deviation review of impact on areas that are affected by the Downtown DRI?

The proposal to locate the headquarters of the Free Trade Association of the Americas ("FTAA") has no bearing upon, nor should it be factored into, the substantial deviation review of the NOPC. One of the locations proposed by the City is on Watson Island. However, it is not within the boundary of the Property nor will it fall within the new proposed boundary of the DDRI. As you know, the City has not as yet been selected to host the headquarters of the FTAA, nor has the actual location of the secretariat been approved by any board or commission.

Miami Beach also identified purported "discrepancies" within the Traffic Assessment submitted as part of the NOPC. Miami Beach suggests that the Traffic Assessment did not analyze the appropriate roadways and intersections. We will respond to each of the concerns as identified in the materials submitted by Miami Beach.

1. Definition of Build Out Year, 2009 or 2014 and subsequent corrections to the analysis.

As provided in response number 3, the Build Out Date for Increment II remains May 28, 2009.

2. Selection of the appropriate growth year factor (2.5% or 5.0%) for the Miami Beach area and the MacArthur Causeway and subsequent corrections to the analysis.

Each component of the future traffic growth calculation was applied consistent with the established and approved methodology. It should be

noted that the composite traffic growth rate for the roads analyzed in Miami Beach ranges from 2.9% to over 11% per year. The growth rates are based on the following: normal growth, unbuilt Increment I DDRI, unbuilt Southeast Overtown Park West DRI, Portofino DRI, and Increment II DDRI traffic.

3. Use the FDOT standard Maximum Service Volume (MSV) and level of service for MacArthur Causeway and subsequent corrections to the analysis.

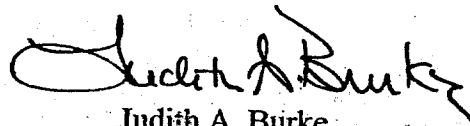
The MSV established in the Increment II DDRI was used and carried through in the NOPC. However, if an arterial road service volume were used in the analysis, the Project would not have a significant impact on Miami Beach.

4. Include all committed trips to the roadway system and assess the impacts on MacArthur Causeway and the intersection of 5th Street at Alton Road.

Committed developments were included in the road link analysis as per the approved methodology. This analysis clearly showed that the Project does not have significant impacts on Miami Beach.

I appreciate you providing us with the opportunity to respond to the comments made by Miami Beach regarding the NOPC. If you have any questions regarding the Project or the NOPC, please do not hesitate to contact me.

Very truly yours,



Judith A. Burke

cc: Honorable Mayor and City Commissioners, City of Miami
Joe Arriola, City Manager, City of Miami
Laura Billberry, Director-Asset Management, City of Miami
Honorable Mayor and City Commissioners, City of Miami Beach
Jorge M. Gonzalez, City Manager, City of Miami Beach
Christina Cuervo, Assistant City Manager, City of Miami Beach
Mr. Ken Metcalf, Florida Department of Community Affairs
Mr. Dana Nottingham, Director, Downtown Development Authority
Mr. Mehmet Bayraktar, Flagstone Island Gardens, LLC
Mr. Joseph Herndon, Flagstone Island Gardens, LLC
Mr. Ramon Alvarez, David Plummer & Associates, Inc.

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May 27, 2004

Ms. Carolyn Dekle
Executive Director
South Florida Regional Planning Council
3440 Hollywood Boulevard, Suite 140
Hollywood, Florida 33021

Re: Notice of Proposed Change
Increment II of the Downtown Development of Regional Impact
Island Gardens/Watson Island

Dear Ms. Dekle:

The Miami Downtown Development Authority (the "DDA") would like to take this opportunity to express its comments regarding the City of Miami Beach's findings to the Notification of Proposed Change (the "NOPC") for the development proposed at the northwest quadrant of Watson Island (the "Property"). The project being proposed is a mixed-use waterfront development known as Island Gardens (the "Project"). The DDA submitted the NOPC under Increment II of the Downtown Development of Regional Impact ("DDRI"). The NOPC submitted requests a change to the boundaries of the existing DDRI to include the Property and the addition of "marina" as a new use.

Pursuant to the City of Miami Charter, on December 14, 2000 the City Commission adopted Resolution No. 00-1081, which authorized the issuance of a Mega-Yacht Marina and Mixed Use Waterfront Development Opportunity-Watson Island, Request for Proposals, for the development of approximately 10.79 acres of upland and 13.35 acres of submerged land on Watson Island. Three proposals were received in response to the RFP and following an extensive review process, Flagstone's proposal was selected. Flagstone's proposal was approved by voter referendum by the electorate of the City of Miami on November 6, 2001 and the City Commission accepted the election results on November 15, 2001 by Resolution 01-1198. Flagstone's proposal contemplates that the project will include, but not necessarily be limited to, construction of a mega-yacht marina, a four (4) and a five (5) star hotel, retail space, and parking garage, together with certain other amenities. In April 2002, the DDA voted to expand its boundaries and annex the Property, and at a public hearing held on December 12, 2002, the City Commission approved the expansion of the DDA boundaries. The City and Flagstone subsequently negotiated and entered into an Agreement to Enter Into a Ground Lease (the "Agreement") which was approved by the City Commission at a public hearing and executed on January 1, 2003, consistent in all material respects with the Watson Island RFP and Flagstone proposal. Thereafter, the Project has gone through several public hearings and has been approved by the Urban Development Review Board, the Miami-Dade County Shoreline Development Review Committee, the Waterfront Advisory Board and the City of Miami Zoning Board.

In April, 2004, the DDA filed the NOPC with the Department of Community Affairs (the "DCA"), the South Florida Regional Planning Council (the "SFRPC") and all other interested parties including the City of Miami Beach. On May 13, 2004, the City of Miami Beach submitted its comments on the NOPC to the SFRPC. This letter will serve as the DDA's response to that submittal. The City of Miami Beach considered various issues related to the NOPC, as those in need of resolution, and by means of this letter, the DDA wishes to clarify any misconceptions that may be unclear at this time.

1. The City of Miami Beach noted that the NOPC appeared to be a substantial deviation pursuant to the definition in 380.06(19)(e)(3), due to the issue that the land area, on which the new development is being proposed, will be added to the DRI and has not previously been reviewed.

In reality, the NOPC submitted proposes an expansion to the existing boundaries of the DDRI. The expansion of the DDRI boundaries will annex the Project to the DDRI boundaries. Pursuant to Florida Statute 380.06(19)(e)(3), any addition of land not previously reviewed is presumed to create a substantial deviation. However, this section also states this presumption may be rebutted by clear and convincing evidence. Considering all of the back-up information submitted along with the NOPC, which includes the Transportation Assessment: Proposed Boundary Change to the Downtown Miami DRI Increment II prepared by David Plummer & Associates, Inc. (the "Transportation Assessment") undoubtedly demonstrates the proposed expansion and annexation is not a substantial deviation in any manner. The evidence submitted for review by the DDA visibly refutes that a presumption of substantial deviation exists. The Transportation Assessment concluded that there are no significant changes in the traffic impacts of Increment II if the requested boundary change is approved. In fact, the Transportation Assessment finds that impacts on critical segments and ramps are less with the proposed boundary change than in the approved Increment II Application for Development Approval (ADA).

2. The City of Miami Beach believes that the change in the number of hotel rooms approved in Increment II may be a substantial deviation as defined in 380.06(19)(b)(11), because the increase is greater than five (5) percent and greater than seventy-five (75) units. It must be determined if this is considered a substantial deviation.

In reaching the conclusion stated above, the City of Miami Beach has not appropriately applied the Florida Statutes nor the provisions of the Increment II Development Order.

Pursuant to subsection 380.06(22)(c), Florida Statutes, "If a development is proposed within the area of a downtown development plan approved pursuant to this section which would result in development in excess of the amount specified in the development order for that type of activity, changes shall be subject to the provisions of subsection (19), except that the percentages and numerical criteria shall be double those listed in paragraph (19)(b).

Regardless, the Development Order for Increment II simply identifies the quantities of Net New Development for which certificates of occupancy may be issued. The Development Order approves the construction of additional hotel units in the amount of 1605, under the DDRI. The hotel units that are planned for the Project are a total of 605

and therefore utilize only a fraction of the available approved hotel units approved in the Development Order. In addition, the Development Order allows for the City to permit simultaneous increases and decreases in the allocation of Net New Development, without a need to file for an NOPC. Therefore, should the Project have proposed more than the 1605 hotel units presently available, the proposal still would not constitute a substantial deviation. The NOPC that has been submitted simply allocates the hotel units from the approved Development Order without changing any unit count within the boundaries.

3. Miami Beach has interpreted the Build Out Dates identified in the NOPC (May 20, 2014) to appear inconsistent with the Development Order and DDA Resolution 02-107 (May 28, 2009).

This issue is invalid because no modification to the Build Out Date established in the Development Order for Increment II, approved under Resolution 02-1307 has ever been considered in the proposal. Below you will find our response to the City of Miami Beach's comment No. 10 and you will find that it very clearly states this fact. The Build Out Date for Increment II is May 28, 2009. The approved expiration/termination date for the Increment II development order is May 28, 2014. The conflict in dates is due simply to a scrivener's error in the text that listed the Build Out Date was May 28, 2014. The Build Out Date for Increment III, as established in Resolution 94-849 remains December 30, 2014. At this time the City reiterates its position that approval of the NOPC will definitely not result in any change to the Build Out Date for either Increment II or Increment III.

4. The City of Miami Beach questions the applicability of the law from the time of application submittal and whether it dictates such an extended Build Out date as identified in the NOPC of May 20, 2014 as a substantial deviation.

As listed in the above paragraph, we reiterate there has not been change to the Build Out Dates for Increment II or Increment III. Increment II's Build Out Date remains May 28, 2009 and Increment III's Build Out Date remains December 30, 2014. As there is no extension of the Build Out Date, there is no issue as to whether it would constitute any deviation, substantial or otherwise.

5. The City of Miami Beach has implied that the Transportation consultant did not analyze the study area defined by the South Florida Regional Planning Council, and rather than review the impact on all North, South, East, and West roads in Miami Beach, (as specified in the pre-application summary), only studied the impact on the MacArthur Causeway and Alton Road.

In truth, the Transportation Assessment studied an area that includes all roadway corridors leading to and from Miami Beach within the reasonable boundaries of the study area and all North, South East and West roads, including Alton Road at various points wherever a significant traffic impact could be considered. The project study area used in the Transportation Assessment (Section 1.1, page 5) and the Final Pre-Application Summary (the "Summary") that was prepared by the SFRPC on November 25, 2002 (page 2) are the same. Therefore, the Transportation Assessment information that was submitted is complete and in compliance as directed by the SFRPC.

6. The City of Miami Beach suggests that additional analysis and detailed information should be required to determine the traffic impact the project will have on the Miami Beach roadway segments.

The information that was provided in the Transportation Assessment wholly addressed and evaluated the traffic impact of the Project. In addition, the Transportation Assessment evaluated the impacts the Project will have, not only on Miami Beach roadways, but also on the main roadways and thoroughfares connected thereto. As stated above, the Transportation Assessment complied with all the information requested by the participants at the pre-application meeting held at the SFRPC, as outlined in the Summary. Further, the Transportation Assessment satisfies the requirements of Rule 9J-2.045, Transportation Uniform Standards, Florida Administrative Code (FAC).

7. The City of Miami Beach was unable to determine whether all committed developments in Miami Beach were analyzed, or only those committed developments on 5th Street and Alton Road were included as part of the traffic analysis. Due to this uncertainty, Miami Beach is requesting a copy of all committed developments that were reviewed.

The City of Miami Beach actually provided this information both to David Plummer & Associates, Inc. and DDA's traffic consultant. The information Miami Beach provided outlined all committed developments included within the study area. The only project Miami Beach reported to generate over four hundred (400) PM peak hour trips was Portofino. As stipulated in the Summary, it was concluded that only committed developments reported to generate over four hundred (400) PM peak hour trips would be utilized in compiling the Transportation Assessment for the Project.

8. The City of Miami Beach has interpreted the public notice for two Watson Island comprehensive plan amendments on the Island Gardens site as a proposed change to the comprehensive plan for the project and believes there to be a contradiction regarding the statement in the NOPC that comprehensive plan amendments are not required by the proposed change. Miami Beach is requesting clarification whether or not the proposed change to the comprehensive plan may not be a "required change" for the project to proceed, and therefore questions the accuracy of the response to Number 11 of the NOPC.

Based on information supplied by the City of Miami, there were in fact two comprehensive plan amendments (the "Amendments") proposed for the Project area. Both Amendments provided for an equal exchange of small parcels of Parks and Recreation designated property for Commercial designated property and a simultaneous exchange of equal size parcels of Commercial for Parks and Recreation designated property. Due to the even exchange in parcel sizes, the net effect of the two Amendments did not in any way alter the amount of Parks and Recreation or Commercial designated property within the Project. In addition, and far outweighing this issue, neither of the two Amendments are a requirement for either the approval of the NOPC or the Project. The Amendments simply permit Flagstone to slightly reposition certain structures located within the Project boundaries. However, the Project does not propose to change any of the uses, size or intensity, regardless of whether or not the Amendments are approved.

To further clarify the issue, the first Amendment was approved at public hearing by the City's Planning Advisory Board and subsequently by the City Commission at first reading. Thereafter, it was approved by the DCA on a "No Need to Review Basis" and resubmitted to the City where the City Commission approved it at public hearing on May 6, 2004 upon second reading. The second Amendment was approved at public hearing by the Planning Advisory Board and has not as yet been heard by the City Commission.

Finally, the two comprehensive plan amendments do not in any way alter the amount of parks or commercially designated property within the DDRI.

9. The City of Miami Beach questions whether the moratoriums and issues related to them affect roadways that are impacted by the Downtown DRI and if said moratoriums have any bearing on the traffic analysis and/or substantial deviation review.

The fact of the matter is that the recently enacted moratoria have no impact on the Project or the submitted NOPC. The moratoria are in effect for only a ninety-day (90) period, and those subject properties are not in close proximity to the Project. In addition to this, the enacted moratoria does not affect any of the boundaries of the DDRI.

10. The City of Miami Beach has raised the issue regarding whether there is any bearing on the proposed change and the substantial deviation review of impact on areas that are affected by the Downtown DRI due to the proposal of Watson Island as one of two preferred sites for the Secretariat of the Free Trade Association of the Americas (the "FTAA").

While it is true that one of the potential proposed locations to situate the headquarters of the FTAA is on Watson Island, the proposal has never been contemplated to fall within the boundaries of the Property. In addition, the FTAA proposal does not fall within the new proposed boundary of the DDRI. As you are probably aware, the City has not yet been selected to host the headquarters of the FTAA nor has any board or commission approved the actual location of the secretariat. Therefore, the location of the FTAA headquarters has no bearing nor should this item be factored into the substantial deviation review of the NOPC.

In addition, this letter serves to specifically address the concerns documented in the letter dated May 12, 2004 from DMJM+Harris, Inc. to the City of Miami Beach, as requested by the City of Miami Beach, on the review of the Transportation Assessment. This response was provided by Parsons Brinckerhoff Quade & Douglas, Inc., upon the request of the City of Miami to further ensure an independent review and analysis of the concerns raised by DMJM+Harris, Inc.

1. Study Area.

As noted earlier, the Transportation Assessment was completed in the fashion directed by the SFRPC Final Pre-Application Summary and all information contained therein is complete.

2. Link Analysis.

Alton Road

Comment 1: Reported traffic volume between 5th Street and 15th Street during the PM peak period appears to be lower than expected when compared to other traffic data collected within the same area in April 2004.

Answer 1: The recent traffic data mentioned in the May 12, 2004 letter and used to compare the counts was not provided and, therefore, could not be evaluated in order to determine the magnitude of the changes and potential impacts to the results of the analysis.

Comment 2: On December 17, 2003, 24-hour counts were collected at one location between 10th Street and 11th Street. Seventy-two hour counts are recommended at two locations along the corridor.

Answer 2: Consistent with the Summary complied on review agency requirements and based on the information provided in Appendix B, Transportation Assessment, 24-hour counts were performed by Traffic Survey Specialist, Inc. at the following locations:

- Alton Road Between 10th Street and 11th Street on December 17, 2003*
- Alton Road Between 2nd Street and 3rd Street on December 17, 2003*
- 5th Street Between Washington Avenue and Collins Avenue on December 17, 2003*
- McArthur Causeway Ramp to Northbound Alton Road on December 9, 2003*

Therefore, there were two count locations along Alton Road, one in the segment between 15th Street and 5th Street and the other in the segment from 5th Street to South Pointe. These counts were taken on the same day and therefore they can be correlated.

The counts were taken on a Tuesday (December 9) and on a Wednesday (December 17), which are acceptable days based on the Site Impact Handbook (FDOT) guidelines. The Handbook indicates that link traffic counts should be collected to provide 15-minute volumes suitable for use in peak-hour analysis and 24-hour volumes for converting to AADT using Department-approved factors. The counts were taken according to these guidelines (24-hour counts in 15-minute intervals).

Seventy-two-hour counts are preferable in some instances since they help reduce any bias that may be introduced when gathering data for only one day. However, the Summary is the document that sets the agreed upon implemented procedure. Furthermore, it is not foreseeable that the average of 3-day counts would produce dramatically different results than those noted in the Transportation Assessment.

5th Street (Segment between Alton Road and Collins Avenue)

Comment 1: A review of recent counts indicates that traffic is higher than the traffic shown in the report in the PM peak period for this segment.

Answer 1: Data used for the comparison was not provided and, therefore, did not allow us to measure the magnitude of the differences and the potential impacts to the analysis. In the absence of that information, the following review contained in this memorandum

is based on the information included in the Transportation Assessment and the methodology approved by the SFRPC.

The Assessment used FDOT 2002 count station's data and, therefore, current counts may very well be higher due to the natural growth in traffic. The analysis documented in the Transportation Assessment report used the most current information at the time and followed the guidelines provided in the SFRPC Summary. The approved procedure stated that "there are at least two permanent continuous count stations on MacArthur Causeway and Miami Beach" adding that "the traffic analysis will be updated based upon the best available FDOT, County or local count updates at these stations and any other roadway segments to the east of the DDRI that were not part of the original Increment II data collection."

The information provided in Appendix B – Traffic Counts, includes data from FDOT 2002 counts (the most recent counts available) for two stations along MacArthur Causeway nearby Palm Island Entrance (Stations 0031 and 9080) and two stations on SR A1A/MacArthur Causeway/5th Street located 200 feet East and West of the intersection with Alton Road, respectively (Stations 2528 and 2527).

Comment 2: The capacity of 5th Street is overrepresented, since the Maximum Service Volume (MSV) for a 6LD road indicated in the Assessment is 2,580 vph for one direction, whereas the FDOT 2002 Generalized Tables indicate a MSV of 2,330 vph for this type of road.

Answer 2: *It is important to note that this comment is based on the FDOT 2002 Generalized Tables whereas the Assessment is based on FDOT's 1998 Generalized Tables, consistent with the approved methodology and with the approved DDRI. Since the DDRI was based on 1998 LOS Handbook, the NOPC must (and did) follow the same criteria to make them congruent.*

Furthermore, based on our preliminary review of the MSVs used for the comparison, there seems to be a discrepancy between the Class of arterials that were used in the Assessment and the one used in the May 12, 2004 letter. The 2,580 vph directional capacity included in the NOPC Assessment corresponds to LOS D for arterial Class II (with 2.00 to 4.50 signalized intersections per mile). The 2,330 vph directional capacity mentioned in the letter corresponds to LOS D for arterial Class III (more than 4.5 signalized intersections per mile and not within primary city central business district of an urbanized area over 750,000).

In other words, we concur with the use of the FDOT 1998 generalized tables versus the 2002 generalized tables in order to maintain consistency with the original DDRI.

MacArthur Causeway (Segment between Alton Road and Bayshore Drive)

Comment 1: The report classified this section of the road as a freeway instead of a 6LD state two-way arterial, which at LOS E, the MSV should be 2,790 vph on MacArthur Causeway from Biscayne Boulevard to Alton Road.

Answer 1: The "Functional Classification" included in the report (Table 21.A2 (R)) is "Principal Arterial" (Urban) based on the 1992 Federal Functional Classification, FDOT 6, Division of Planning and Programs, which is also consistent with the existing DDRI. The full segment from Miami Beach to mainland is classified as such by FDOT. This comment seems to rather be related to the Peak Hour Directional Maximum Service Volume (MSV) used in the aforementioned table.

The original DRI included SR 836/I-395/MacArthur Causeway up to Palm Island Entrance (in the westbound direction). The MSV assigned to the segment between Bayshore Drive to Palm Island Entrance was 5,990 vph (directional), which corresponds to a 6LD Group 2-Freeway segment at LOS E in the 1998 LOS Handbook. This MSV included in the approved DRI seems logical in view that—in spite of the classification—the causeway behaves as a freeway and not as an arterial.

To further clarify the concept, it should be noted that arterials do provide access to the adjacent land. This access causes obvious friction within the traffic flow and therefore the arterial lane has less capacity to process traffic than a freeway (or controlled-access facility) lane. Since this is not the case for the Causeway, applying the capacity of an arterial to a facility that has better access management than any surface street would only underestimate the processing capacity of the facility. In addition, the analysis documented in the report followed the same methodology as in the original DRI, which was necessary in order to maintain consistency.

Comment 2: Year 2009 conditions were recalculated using the reduced (2,790 vhp) MSV.

Answer 2: The section of MacArthur Causeway between Alton Road and Bayshore Drive was divided in four segments (in the eastbound direction) as follows:

- 1. From Alton Road to Fisher Island*
- 2. From Fisher Island to Palm Island Entrance*
- 3. From Palm Island Entrance to Watson Island Entrance*
- 4. From Watson Island Entrance to Bayshore Drive.*

Segments 3 and 4 were included as one in the original DRI, and the NOPC study maintained the criteria adopted in the approved DDRI.

Along segments 1 and 2 there is one signalized intersection (access) at Palm Island Entrance, another at Star Island, and a third one at Fisher Island (before reaching the intersection with Alton Road) in the westbound direction.

The spacing of these signalized intersections (based on a brief review of the area) varies from approximately 0.16 mile minimum to 0.82 miles maximum, resulting in signal density of 1.92 signalized intersections per mile for the segment. If treated as an arterial, then these segments should be Class I.

However, a strong case can be made that there are no access points between these intersections. This establishes a marked difference with the usual concept of arterials in which the FDOT tables are based and thus the use of capacities related to controlled-access facilities may very well apply.

It is important as well to note that the MSVs provided by FDOT are based on generalized values throughout the State of Florida. Actual capacity of a roadway is best measured using field data, which are not available at this time and for this level of planning analysis.

3. Growth Rate:

Comment 1: The May 12, 2004 letter mentions that the report uses a 0.84 % growth rate as a weighted adjusted compound growth rate for Alton Road consistent with the rates included in the approved DDRI along SR 836/I-395/MacArthur Causeway, stating that there is no analysis of justification of this growth rate.

Answer 1: The growth rate was agreed upon and therefore its inclusion –based on consistency with the approved DDRI—had been granted.

Comment 2: The May 12, 2004 letter mentions that a review of historical traffic data in Miami Beach yielded an average growth rate of 4.94% per year, with data from five count stations: two on 5th Street, one on Alton Road and two on Collins Avenue.

Answer 2: The information used to develop this growth rate should be provided for a more in-depth review. Preliminary calculations using the historical data of the available count stations in the southern portion of Miami Beach and MacArthur Causeway did not however produce the stipulated growth rate mentioned in the letter.

4. Trip Generation:

Comment: The May 12, 2004 letter states that there appears to be errors in the spreadsheet under reporting trips for “Attractions-Movie Theater”.

Answer: Without further detail and more specific information on the type, nature, and location of the errors this comment could not be addressed.

5. Pedestrian/Bike Trip Reduction:

Comment: The Assessment establishes a 3.5% reduction in trips for the Pedestrian/Bike mode for the Island Garden Area. According to the letter, there is no justification to support this reduction and based on the area’s characteristic, there should be no reduction applied.

Answer: Appendix B – Traffic Data of the Assessment includes information regarding Committed Development Information (Portofino DRI and Parrot Jungle Gardens, Inc. MUSP Traffic Impact Study). It also includes the Trip Reduction Calculations for Expanded CBD (Watson Island) sub-area. There is therefore a justification/calculation included in the Assessment.

6. Committed Projects:

Comment: Section 3.2, page 49 of the report states that the Parrot Jungle and other developments will not undergo DRI review but instead they will be included in the DDRI analysis as committed or background developments. Later the report indicates that Parrot Jungle was not included as a committed development because it generates 500 trips/day, less than the 400 vph PM peak threshold.

Answer: *The SFRPC Summary, under the title "Committed Development", states that "committed projects will be included in the traffic analysis and will include projects, such as, the Portofino DRI, Parrot Jungle, and the Children's Museum. The Cities of Miami and Miami beach will be requested by the applicant to provide information about all committed developments with over 400 PM peak hour trips for inclusion in this analysis."*

Appendix B of the NOPC Assessment includes the "Parrot Jungle and Gardens, Inc. – Major Use Special Permit – Traffic Impact Analysis" prepared for Parrot Jungle and Gardens, Inc/City of Miami by Carr Smith Corradino. This traffic impact analysis states that, based on estimated annual attendance to the Parrot Jungle, 500 daily vehicles are expected to be attracted by this park.

Section 3.2, page 50 of the NOPC Assessment, thus correctly indicates that "according to the traffic study provided by the City of Miami, the Parrot Jungle development will generate 500 daily trips, which translates into less than 400 PM Peak hour threshold. Therefore, the trips were not included as a committed development but included in the growth rate."

In conclusion, the Application is completely consistent with the Pre-Application Summary agreement with the review agencies, satisfies state law for proposed changes to a previously approved DRI, and does not create additional impacts to regional resources or facilities. Furthermore, the changes proposed in the Application are consistent with the regional goals and policies in the Strategic Regional Policy Plan for South Florida regarding land use, public facilities, and economic development. Based on the foregoing and in light of the substantial documentation provided in the Application, we submit that the comments from the City of Miami Beach are without merit and should be disregarded.

If you have any questions, please feel free to call me at 305-579-6675.

Sincerely,

Dana Nottingham
Executive Director

Ms. Carolyn Dekle

May 27, 2004

Page 11

cc: Honorable Mayor and Commissioners, City of Miami Beach
Jorge Gonzalez, City Manager, City of Miami Beach
Honorable Mayor and Commissioners, City of Miami
Joe Arriola, City Manager, City of Miami
Laura Billberry, City of Miami
Mary H. Conway, City of Miami
Alejandro Vilarello, Esq., City of Miami Law Department
Ken Metcalf, Florida Department of Community Affairs
Mehmet Bayraktar, Flagstone
Joe Herndon, Flagstone
Judith Burke, Esq., Shutts & Bowen
Jeffrey Bercow, Esq., Bercow & Radell
Rob Curtis, The Curtis & Kimball Company

**Analysis for Major Use Special Permit for the
Island Gardens Project
located at approximately 950 and 1050 MacArthur Causeway**

CASE NO. 2004-045

Pursuant to Ordinance 11000, as amended, the Zoning Ordinance of the City of Miami, Florida, the subject proposal for the Island Gardens Project has been reviewed to allow a Major Use Special Permit per Articles 13 and 17, to be comprised of two hotel buildings housing 500 rooms and 105 fractional ownership units with accessory uses, 221,000 square feet of retail space, 1,610 total parking spaces, 50 mega-yacht slip marina and ancillary uses, maritime gallery, and approximately 6.5± acres of public gardens and open space.

This Permit also includes the following requests:

MUSP, as per Article 17, Section 1701, to permit any nonresidential uses involving in excess of two hundred thousand (200,000) square feet of floor area;
MUSP, as per Article 17, Section 1701, to permit hotels involving in excess of three hundred fifty (350) rooms;
MUSP, as per Article 17, Section 1701, to permit any single or combination of requiring or proposing to provide in excess five hundred (500) offstreet parking spaces;
Pursuant to City Code, Chapter 35, Section 36-6 Construction Equipment. Request for waiver of noise ordinance for construction and nighttime dredging.
SPECIAL EXCEPTION, as per City of Miami Zoning Ordinance 11000 as amended, Article 9, Section 924.10, to allow the projection of docks or plus into waterways previously approved on January 26, 2004 by the Zoning Board;
CLASS II, as per Article 6, Section 607.3.1, for development of new construction within a Special District;
CLASS II, as per Article 6, Section 607.3.1, for development of new construction within a Special District;
CLASS II, as per Article 15, Section 1511 for development between Biscayne Bay and the first dedicated right-of-way;
CLASS II, as per Determination of Use 2001-001, Special Exception to permit establishments which offer time-share licenses within the "C-1 Restricted Commercial" zoning district;
CLASS I, as per Section 915.2 for FAA clearance letter;
CLASS I, as per Article 9, Section 10.3.2.2 to allow development/construction/sales and rental signage;
CLASS I, as per Article 9, Section 918.2, for parking and staging during construction;
CLASS I, as per Article 9, Section 920.1, to allow temporary construction buildings and trailers;

CLASS I, as per Article 6, Section 903.1, for projects designed as a single site occupying lands divided by district boundaries;

CLASS I, as per Article 9, Section 917.1.2, to allow valet parking, including buses and other vehicles;

Request for the following MUSP conditions to be required at time of shell permit instead of an issuance of foundation permit;

Request for reservation of Downtown DRI credits;

Request for variance to the setback per Article 4, Section 401, "C-1", for the Base building maximum height at front setback;

Waiver of Charter Amendment to allow certain improvements, as shown on the site plan, to be located within the 50' setback area.

Note: Designation as a phased development pursuant to Section 2502 of Ordinance No. 11000.

REQUEST that the following MUSP conditions be required at the time of Temporary Certificate of Occupancy or Final Certificate of Occupancy instead of at the issuance of foundation permit:

- a. the requirement to record in the Public Records a Declaration of Covenants and Restrictions providing that the ownership, operation and maintenance of all common areas and facilities will be by the property owner or a mandatory property owner association; and
- b. the requirement to record in the Public Records a unity of title or covenant in lieu of unity of title.

Pursuant to Articles 13 and 17 of Zoning Ordinance 11000, approval of the requested Major Use Special Permit shall be considered sufficient for the subordinate permits requested and referenced above as well as any other special approvals required by the City which may be required to carry out the requested plans.

In determining the appropriateness of the proposed project, the Planning and Zoning Department has referred this project to the Large Scale Development Committee (LSDC) and the Planning & Zoning's Internal Design Review Committee for additional input and recommendations; the following findings have been made:

- It is found that the proposed development project will benefit the area by creating new residential and commercial opportunities on Watson Island in the Downtown NET District, located along MacArthur Causeway.
- It is found that the project has convenient access the Metrobus lines operating along MacArthur Causeway. It is also located adjacent to the Watson Island Station of the proposed "Baylink" segment of the Metrorail, located east of the subject property, for efficient use of existing mass transit systems.

- It is found that the project was reviewed by the Large Scale Development Committee on February 5, 2004 to address the expressed technical concerns raised at said Large Scale Development Committee meeting.
- It is found that the proposed project was reviewed for design appropriateness by the Urban Development Review Board on March 17, 2004, which recommended approval with the following condition; Apply the 2nd Garage scheme facing I-395. The Planning and Zoning Department's review resulted in design modifications that were then recommended for approval to the Planning and Zoning Director.
- It is found that on May 5, 2004, the City of Miami Planning Advisory Board approved the Amendment to the Downtown DRI, which expanded the boundaries of the Downtown DRI to make them consistent with the jurisdiction of the Downtown Development Authority and to add eight (8) wet slips to the Marina land use category of the DRI.
- It is found that the Future Land Use Amendment and Change of Zonings associated with the Island Gardens project were passed on Second Reading by the City of Miami City Commission (Resos. 03-0397, 03-0397a, 03-0397b, 03-0397c) on May 6, 2004.
- It is found that the proposed project was reviewed by the Zoning Board on May 10, 2004 for a Special Exception and a Variance, both of which were approved with conditions.
- It is found that on May 19, 2004, the City's Traffic Consultant, URS Corp., provided a Review of the Traffic Impact Analysis submitted by the applicant and has found the traffic analysis sufficient.
- It is found that with respect to all additional criteria as specified in Section 1305 of Zoning Ordinance 11000, the proposal has been reviewed and found to be adequate.

Based on these findings, the Planning and Zoning Department is recommending approval of the requested Development Project with the following conditions:

1. Meet all applicable building codes, land development regulations, ordinances and other laws and pay all applicable fees due prior to the issuance of a building permit.
2. Allow the Miami Police Department to conduct a security survey, at the option of the Department, and to make recommendations concerning security measures and systems; further submit a report to the Department of Planning and Zoning, prior to commencement of construction, demonstrating how the Police Department recommendations, if any, have been incorporated into the PROJECT security and construction plans, or demonstrate to the Director of the Department of Planning and Zoning why such recommendations are impractical.

3. Obtain approval from, or provide a letter from the Department of Fire-Rescue indicating APPLICANT'S coordination with members of the Fire Plan Review Section at the Department of Fire-Rescue in the review of the scope of the PROJECT, owner responsibility, building development process and review procedures, as well as specific requirements for fire protection and life safety systems, exiting, vehicular access and water supply.
4. Obtain approval from, or provide a letter of assurance from the Department of Solid Waste that the PROJECT has addressed all concerns of the said Department prior to the obtainment of a shell permit.
5. Comply with the Minority Participation and Employment Plan (including a Contractor/Subcontractor Participation Plan) submitted to the City as part of the Application for Development Approval, with the understanding that the APPLICANT must use its best efforts to follow the provisions of the City's Minority/Women Business Affairs and Procurement Program as a guide.
6. Prior to the issuance of a shell permit, provide the City with a recorded copy of the MUSP permit resolution and development order, and further, an executed, recordable unity of title or covenant in lieu of unity of title agreement for the subject property; said agreement shall be subject to the review and approval of the City Attorney's Office.
7. Provide the Department of Planning and Zoning with a temporary construction plan that includes the following: a temporary construction parking plan, with an enforcement policy; a construction noise management plan with an enforcement policy; and a maintenance plan for the temporary construction site; said plan shall be subject to the review and approval by the Department of Planning and Zoning prior to the issuance of any building permits and shall be enforced during construction activity. All construction activity shall remain in full compliance with the provisions of the submitted construction plan; failure to comply may lead to a suspension or revocation of this Major Use Special Permit.
8. In so far as this Major Use Special Permit includes the subordinate approval of a series of Class I Special Permits for which specific details have not yet been developed or provided, the applicant shall provide the Department of Planning and Zoning with all subordinate Class I Special Permit plans and detailed requirements for final review and approval of each one prior to the issuance of any of the subordinate approvals required in order to carry out any of the requested activities and/or improvements listed in this development order or captioned in the plans approved by it.
9. If the project is to be developed in phases, the Applicant shall submit an interim plan, including a landscape plan, which addresses design details for the land occupying future phases of this Project in the event that the future phases are not developed, said plan shall include a proposed timetable and shall be subject to review and approval by the Director of Planning and Zoning.

10. Pursuant to the Traffic Impact Analysis Review, the applicant is strongly encouraged to continue working with the City's Traffic Consultant to resolve all outstanding Traffic Analysis issues prior to being heard by the City Commission.
11. Pursuant to the Zoning Board review, the applicant shall adhere to the conditions of approval placed by the Zoning Board as provided in the City Commission Resolution.
12. Pursuant to the UDRB's and Planning and Zoning Department's review, the applicant shall meet the following conditions; Apply the 2nd Garage scheme facing I-395.
13. The applicant shall continue to work with the City Planning and Zoning Department in the articulation of the buffer on the eastern side of the parking garage facing MacArthur Causeway.
14. The applicant will be required to provide landscaping for the roadway and would be responsible for the development of the beautification and the landscaping of the façade to the City's final review and approval.
15. Within 90 days of the effective date of this Development Order, record a certified copy of the Development Order specifying that the Development Order runs with the land and is binding on the Applicant, its successors, and assigns, jointly or severally.

EXHIBIT "B"**C. Legal Description****LEGAL DESCRIPTION OF UPLAND PARCEL**

Commence at a point shown marked by an 5/8" diameter iron rod and Cap Stamped F.D.O.T., shown as P.T. Sta. 25+50 on the "Official Map of Location and Survey of a portion of Section 8706, designated as part of State Road A-1-A in Dade County, Florida", prepared by the State Road Department of the State of Florida, as recorded in Map Book 56, at Page 71 of the Public Records of Dade County, Florida. Said point being the point of tangency of the original center line of the Douglas MacArthur Causeway running Easterly and South Easterly from the Westerly limits (West Bridge) of Watson Island as shown on Sheet 3 of the State Road Department Right-of-Way Map, Section No. (3706-112) 87060-2117, revised March 25, 1959, said most Northerly curve having a radius of 1432.69 feet and a central angle of $62^{\circ}00'00$ seconds"; thence South $59^{\circ}51'26"$ West departing radially from said centerline a distance of 987.36 feet to a Projected Bulkhead line; thence North $17^{\circ}12'21"$ West along said bulkhead line, a distance of 238.86 feet to the point and place of beginning; thence North $17^{\circ}12'21"$ West continuing along said bulkhead line a distance of 924.70 feet to the Southerly right-of-way line of State Road A-1-A Douglas MacArthur Causeway; thence along said Southerly right of way line the following courses and distances; South $89^{\circ}10'55"$ East, a distance of 73.08 feet; thence North $86^{\circ}44'00"$ East, a distance of 67.09 feet to non-tangent curve concave to the Northeast whose radial line bears North $39^{\circ}29'18"$ East having a radius of 160.00 feet and central angle of $22^{\circ}09'33"$; thence along said curve an arc length of 61.88 feet; thence South $72^{\circ}40'15"$ East continuing along said Southerly right of way line a distance of 276.49 feet; to a curve concave to the Southwest having a radius of 600.00 feet and central angle of $45^{\circ}17'39"$ thence along said curve an arc length of 484.79 feet to a point of tangency; thence South $26^{\circ}22'36"$ East continuing along the southwesterly right of way line of State Road A-1-A, a distance of 196.59 feet; thence South $54^{\circ}07'39"$ West Departing Said right of way line, a distance of 532.16 feet; thence North $35^{\circ}54'03"$ West, a distance of 132.74 feet; thence South $54^{\circ}07'39"$ West, a distance of 150.14 feet to the point of beginning.

PLANNING FACT SHEET**APPLICANT**

Judith A. Burke, Esq. on behalf of Flagstone Island Gardens, LLC, the contract lessee, and Joe Arriola, City Manager, on behalf of the City of Miami.

HEARING DATE

June 2, 2004

REQUEST/LOCATION

Consideration of a Major Use Special Permit for the Island Gardens Project located at approximately 950 and 1050 MacArthur Causeway.

LEGAL DESCRIPTION

See attached.

PETITION

Consideration of a resolution, approving with conditions, a Major Use Special Permit pursuant to Articles 13 and 17 of Zoning Ordinance No. 11000, as amended, for the Island Gardens Project located at approximately 950 and 1050 MacArthur Causeway, Miami, Florida, to be comprised of two hotel buildings housing 500 rooms and 105 fractional ownership units with accessory uses, 221,000 square feet of retail space, 1,610 total parking spaces, 50 mega-yacht slip marina and ancillary uses, maritime gallery, and approximately 6.5± acres of public gardens and open space.

**PLANNING
RECOMMENDATION**

Approval with conditions

**BACKGROUND AND
ANALYSIS**

See supporting documentation.

PLANNING ADVISORY BOARD**CITY COMMISSION****APPLICATION NUMBER**

2004-045

Item # 1

CITY OF MIAMI • PLANNING AND ZONING DEPARTMENT
444 SW 2ND AVENUE, 3RD FLOOR • MIAMI, FLORIDA, 33130
PHONE (305) 416-1400

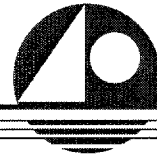
Date Printed: 5/27/2004

Page 1

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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 9, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **DISCUSSION REGARDING THE FOUR CITY OF MIAMI BEACH
APPOINTMENTS TO THE BAY LINK ADVISORY COMMITTEE.**

ANALYSIS

At the last City Commission meeting, the Commission discussed four City of Miami Beach appointments to the Bay Link Advisory Committee (BLAC). Commissioners Bower and Garcia volunteered for two of the positions and the Commission agreed to have the chairperson of the TPC or his/her designee serve on the Committee. The fourth appointment was not concluded.

The Metropolitan Planning Organization (MPO) is waiting to finalize all appointments to the BLAC before a meeting is scheduled.

Commission consideration of the final appointment is suggested as a discussion item for the June 9, 2004 City Commission meeting.

JMG:RSM/sam
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Attachment

Agenda Item

R9G

Date

6-9-04

4:28:11 p.m.

ADDENDUM ITEM:

R9I Discussion Regarding Appointment Of Members To The Bay Link Advisory Committee.
(Requested by Commissioner Jose Smith)

✓ **ACTION:** Discussion held.

Commissioner Smith introduced the issue. He explained that the City Of Miami Beach gets four appointments; one by the City Manager and three by the City Commission. The City Manager is forgoing his appointment and now the City Commission can appoint four people. The first meeting is June 2, 2004.

Commissioners Bower and Garcia volunteered to serve on this committee.

Commissioner Smith suggested a member of the Transportation and Parking Committee.

Commissioner Steinberg suggested that the chairperson of the Transportation and Parking Committee or his/her designee be a member. **Saul Frances to notify Stephen Nostrand.**

Commissioner Garcia suggested that the last appointment should be someone from South Beach which will be one of the impacted neighborhoods.

Vice-Mayor Gross stated that Mike Robinson lives in South Beach, is in the Sierra Club and is a science teacher is interested.

R10 - City Attorney Reports**ADDENDUM ITEM:**

R10A Notice Of Closed Executive Session.

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting May 26, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Cases:

Felix Equities, Inc. Vs City Of Miami Beach, United States Fidelity & Guaranty, A Foreign Corporation, And St. Paul Fire & Marine Insurance Co. Eleventh Judicial Circuit, General Jurisdiction, Case No. 03-16109 CA 22

In Re: Linc.Net, Inc., Et Al. United States Bankruptcy Court, Southern District Of Florida, Miami Division. Chapter 11, Case Nos. 02-16987-BKC-RAM Through 02-17003-BKC-RAM (Jointly Administered Under Case No. 02-16987-BKC-RAM)

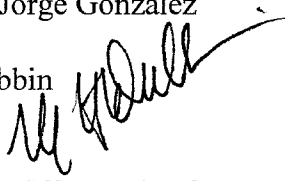
City Of Miami Beach Vs. United States Fidelity & Guaranty Company. Miami-Dade County Circuit Court Case No. 03-19303 CA 03

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge M. Gonzalez, Assistant City Attorney Rhonda Hasan, And Special Counsel Steve Siegfried.

ACTION: Announced and held.

**OFFICE OF THE CITY ATTORNEY
CITY OF MIAMI BEACH**

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge Gonzalez

FROM: Murray H. Dubbin 
City Attorney

SUBJECT: Notice of Closed Executive Session

DATE: June 2, 2004

Pursuant to Section 286.011, Florida Statutes, a Closed Executive Session will be held during lunch recess of the City Commission meeting on June 9, 2004 in the City Manager's large conference room, Fourth Floor, City Hall, to discuss settlement on the following case:

City of Miami Beach v. Miami-Dade County, Micky Biss and USA Express, Inc. 11th Jud. Circuit Court, Appellate Division, Case No. 03-682 AP

The following individuals will be in attendance: Mayor David Dermer; Members of the Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorneys Debora J. Turner and Gary Held.

Agenda Item R10A
Date 6-9-04

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R10 - City Attorney Reports

R10B Notice Of Closed Executive Session.

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On June 9, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, For Discussions Relative To Communications Workers Of America (CWA).

(City Manager's Office)

AGENDA ITEM R10B
DATE 6-9-04

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City of Miami Beach

F L O R I D A



MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

DATE: June 9, 2004

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez

FROM: Murray H. Dubbin
City Attorney *MHD*

SUBJECT: City Attorney's Status Report

I. LAWSUITS FILED AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT

1. Mortgage Electronic Registration Systems, Inc., vs. Paul French et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-10155 CA 10

This is a mortgage foreclosure case for real property located at 1401 Bay Road, Miami Beach. There are monies due the City for Utilities (water, sewer, storm water), Code Compliance charge and lot clearing charge. An Answer was filed on May 24, 2004.

2. Anthony Addonisio vs. City of Miami Beach. Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-10374 CA 04

The City was served with this complaint on May 10, 2004, wherein the Plaintiff alleges that on September 4, 2001, he was detained and apprehended physically and handcuffed by City of Miami Beach police officers who allegedly threw him to the ground causing him injuries to his left knee and ribs. An answer and affirmative defenses will be timely filed, as well as discovery propounded.

Agenda Item A

Date 6-9-04

Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez
Page 2
June 9, 2004

3. Gloria Rosenthal, Trustee of the Gloria Rosenthal Trust u/a/d 5/19/88, vs. The City of Miami Beach, a political subdivision of the State of Florida. Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-10744 CA 31

This is an action for declaratory judgment filed by the Gloria Rosenthal trust, which owns property located at 1833 Bay Road for the purposes of declaring her rights and those of the City under the contractual documents between the parties. The City is presently on a month to month lease on this property. The issue is whether a proposed purchase offer meets the legal requirements of the City's right of first refusal. We plan to respond and try to dispose of this matter expeditiously.

4. GMAC Mortgage Corporation vs Rafael V. Garcia; Encarnacion Garcia; et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-11184 CA 27

This is a mortgage foreclosure case for real property located at 2418 W. 71st Place, Hialeah, Florida. Although the property is not located on Miami Beach, in order to protect any potential interests the City may have, an Answer will be filed prior to June 9 2004.

5. Nancy Gray-Pyne vs. City of Miami Beach, a Florida municipal corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-011517 CA

Plaintiff has filed an action of replevin requesting the return of stolen property to which she claims ownership and which was recovered by the City's Police Department at a local jewelry show. This office will review the complaint and conduct investigation to determine the true ownership of the property.

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 9, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **PARKING STATUS REPORT**

EXECUTIVE SUMMARY

The following comments serve to preface attended parking facilities (garages and lots) performance for the month of April 2004. In April 2004, gross revenues at attended facilities (garage and lots) increased by 36.29% as compared to the prior year's period. A major contributing factor to this increase is the addition of the Anchor Garage. Had this facility not been included, gross revenues would have increased 12.34% or \$73,936.73.

During the month of April 2004, the Parking Department's attended locations earned a net profit of \$544,759.11. This is an increase in net profit of \$158,193.25 or 40.92% as compared to the same period in the prior year.

A) 17th Street Municipal Parking Garage: April 2004

During the month of April 2004, the 17th Street Garage had net revenues of \$191,219.34. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of \$57,780.00, transient parking revenues of \$127,139.34, and valet rental fees of \$6,300.00. Net revenues increased from \$164,819.26 in 2003, to \$191,219.34 in 2004; a 16.02% increase in net revenues.

After subtracting operating expenses of \$75,543.11 the facility had a net profit for the month in the amount of \$115,676.23. This represents an increase in net profit for the facility in the amount of \$18,700.65 or 19.28% when compared to the same period in the previous year.

B) 7th Street Municipal Parking Garage: April 2004

During the month of April 2004, the 7th Street Municipal Parking Garage had net revenues of \$183,439.95. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of \$13,725.00 and transient parking revenues of \$169,714.95. When compared to the same month in the prior year (April 2003), net revenues increased from \$174,599.46 in 2003, to \$183,439.95 in 2004; a 5.06% increase in net revenues. After subtracting operating expenses of \$50,919.94 and debt service of \$59,500.00 the facility had a net profit for the month in the amount of \$73,020.01. This is an increase in net profit of \$12,544.20 or 20.74% as compared to the

Agenda Item B

Date 6-9-04

same period in the previous year, 2003. This increase is primarily attributable to an oncrease in transient parking revenues of \$8,165.49 and a decrease in security personnel expense of \$4,775.71.

The 7th Street Garage served a total of 39,552 parkers in the month of April, 2004.

C) 5-A Municipal Surface Parking Lots (Washington Avenue to Pennsylvania and 17th Street): April 2004

During the month of April 2004, the 5-A Surface Lots had net revenues of \$158,329.18. Net revenues are comprised of facility-specific access-card revenues of \$16,560.00 and transient parking revenues of \$141,769.18. When compared to the same period in the prior year (April 2003), net revenues increased from \$127,562.09 in 2003, to \$158,329.18 in 2004; representing a 24.12% increase in net revenues. After subtracting operating expenses of \$24,804.08, the facility had a net profit for the month in the amount of \$133,525.10. This is an increase in net profit of \$28,920.08 or 27.65% from April 2003. This increase is primarily attributable to an increase in transient parking revenues of \$30,767.09. The 5-A Municipal Surface Parking Lot served a total of 44,400 parkers in the month of April, 2004.

D) 12th Street Municipal Parking Garage: April 2004

During the month of April 2004, the 12th Street Garage had net revenues of \$36,718.13. Net revenues are comprised of facility-specific monthly parking revenues of \$4,920.00 and transient parking revenues of \$31,798.13. When compared to the same month in the prior year (April 2003), net revenues increased from \$34,355.86 in 2003, to \$36,718.13 in 2004; a 6.88% increase in net revenues. After subtracting operating expenses of \$17,221.98 the facility had a net profit for the month in the amount of \$19,496.15. This is an increase in net profit of \$3,855.77 or 24.65%. This increase is primarily attributable to an increase in transient parking revenues of \$2,482.27. The 12th Street Garage served a total of 5,456 parkers in the month of April 2004.

E) 13th Street Municipal Parking Garage: April 2004

During the month of April 2004, the 13th Street Garage had net revenues of \$65,141.13. Net revenues are comprised of facility-specific monthly parking permit revenues of \$7,500.00 and transient parking revenues of \$57,641.13. Compared to the same month in the prior year (2003), net revenues increased from \$60,832.45 in 2003, to \$65,141.13 in 2004; representing a 7.08% increase in net revenues. After subtracting operating expenses of \$29,386.11, the facility had a net profit for the month in the amount of \$35,755.02. This is an increase in net profit of \$5,962.68 or 20.01% from April 2003. The 13th Street Garage served a total of 15,692 parkers in the month of April 2004.

F) 16th Street-Anchor Parking Garage : April 2004

July 2003 was the first full month of operation of this facility by the City of Miami Beach Parking Department. During the month of April, 2004, the 16th Street Garage had net

revenues of \$143,531.26. Net revenues are comprised of facility-specific monthly parking revenues of \$28,300, transient parking revenues of \$101,423.32, and valet rental fees of \$13,807.94. After subtracting operating expenses of \$58,573.41 the facility had a net profit for the month in the amount of \$84,957.85. The 16th Street Garage served a total of 22,590 parkers in the month of April, 2004.

G) 42nd Street Municipal Parking Garage: April 2004

During the month of April, 2004, the 42nd Street Garage had net revenues of \$38,300.92. Net revenues are comprised of facility-specific monthly parking revenues of \$35,100.00 and transient parking revenues of \$3,200.92. Compared to the same month in the prior year, 2003, net revenues increased from \$37,042.80 in 2003, to \$38,300.92 in 2004; representing a 3.40% increase in net revenues. After subtracting operating expenses of \$15,472.17 the facility had a net profit for the month in the amount of \$22,828.75. The 42nd Street Garage served a total of 14,206 parkers in the month of April, 2004.

H) Electronic Parking Meter Revenue Comparison: April 2004

This statement compares parking meter revenue collected in April 2004, with revenue collected in April 2003. When comparing revenues for April 2004 in the amount of \$827,522.61 to revenues for April 2003 in the amount of \$810,363.98, the report reflects an increase of \$17,158.63 or 2.12% in revenues collected. Meter revenue collected does not reflect the change in monthly decal parkers (both commercial and residential), valet rental or construction rental of meters, or metered surface lots either taken out of service, or managed differently than the previous year. In the month of April 2004 decal and permit revenue received was \$95,424.99 and meter rental revenue (valet, construction, and special events) was \$104,213.61 versus \$110,055.99 and \$95,776.14 respectively in April 2003. The combined total revenue produced at meters for the month of April 2004 was \$1,027,161.21. This reflects an increase from the previous year in the amount of \$10,965.10 or 1.08%.

I) Parking and Transportation Smart Card Sales: April 2004

In the month of April 2004, the Parking Department sold 2,763 Parking Meter Cards to merchants, vendors, hoteliers, and the public, for revenues in the amount of \$69,000.

J) Hotel Hangtag Sales: April 2004

In the month of April 2004, the Parking Department sold 2,150 hotel hangtags to hoteliers in the amount of \$12,900.

K) Multi-Space Parking Meter Pilot Program: April 2004

Schlumberger-Sema, at no cost to the City, has provided six (6) multi-space parking meters on an experimental basis for an on-street (Ocean Drive) and off-street (777-17th Street Lot) application. Both applications are configured in a "pay-and-display" mode. Upon receipt of payment, the multi-space meter issues a receipt that is displayed on the vehicles' dashboard. The multi-space meters were installed in January 2003. Year to date the

multi-space meters on Ocean Drive have yielded a 20.56% increase over the prior year and the machine installed in the parking lot at 777 17th Street has earned a 14.23% increase.

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY**

LOCATION	Revenue			Expenses			Profit/(Loss)		
	2003 April	2004 April	Increase/ (Decrease) Percent of Increase/ (Decrease)	2003 April	2004 April	Increase/ (Decrease) Percent of Increase/ (Decrease)	2003 April	2004 April	Increase/ (Decrease) Percent of Increase/ (Decrease)
17 St. Garage	164,819.26	191,219.34	26,400.08 16.02%	67,843.68	75,543.11	7,699.43 11.35%	96,975.58	115,676.23	18,700.65 19.28%
7th St. Garage	174,599.46	183,439.95	8,840.49 5.06%	54,623.65	50,919.94	(3,703.71) -6.78%	119,975.81	132,520.01	12,544.20 10.46%
17th St. Lots	127,562.09	158,329.18	30,767.09 24.12%	22,957.07	24,804.08	1,847.01 8.05%	104,605.02	133,525.10	28,920.08 27.65%
12th St. Garage	34,355.86	36,718.13	2,362.27 6.88%	18,715.48	17,221.98	(1,493.50) -7.98%	15,640.38	19,496.15	3,855.77 24.65%
13th St. Garage	60,832.45	65,141.13	4,308.68 7.08%	31,040.11	29,386.11	(1,654.00) -5.33%	29,792.34	35,755.02	5,962.68 20.01%
42nd St. Garage	37,042.80	38,300.92	1,258.12 3.40%	17,466.07	15,472.17	(1,993.90) -11.42%	19,576.73	22,828.75	3,252.02 16.61%
16th St. - Anchor	0.00	143,531.26	143,531.26 #DIV/0!	0.00	58,573.41	58,573.41 #DIV/0!	0.00	84,957.85	84,957.85 #DIV/0!
Totals	599,211.92	816,679.91	217,467.99 36.29%	212,646.06	271,920.80	59,274.74 27.87%	386,565.86	544,759.11	158,193.25 40.92%

LOCATION	Revenue		Expenses		Profit/Loss	
	Per Space	Per Space	Per Space	Per Space	Per Space	Per Space
17 St. Garage	130.97	130.97	51.74	79.23	79.23	79.23
7th St. Garage	283.96	283.96	78.82	205.14	205.14	205.14
17th St. Lots	312.90	312.90	49.02	263.88	263.88	263.88
12th St. Garage	274.02	274.02	128.52	145.49	145.49	145.49
13th St. Garage	227.77	227.77	102.75	125.02	125.02	125.02
42nd St. Garage	61.78	61.78	24.96	36.82	36.82	36.82
16th St. - Anchor	178.74	178.74	72.94	105.80	105.80	105.80

CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY - YTD

LOCATION	Revenue			Expenses			Profit/(Loss)		
	2003 April YTD	2004 April YTD	Increase/ (Decrease) Percent of Increase/ (Decrease)	2003 April YTD	2004 April YTD	Increase/ (Decrease) Percent of Increase/ (Decrease)	2003 April YTD	2004 April YTD	Increase/ (Decrease) Percent of Increase/ (Decrease)
17 St. Garage	1,459,157.81	1,512,251.31	53,093.50 3.64%	498,771.90	522,981.24	24,209.34 4.85%	960,385.91	989,270.07	28,884.16 3.01%
7th St. Garage	1,190,797.63	1,224,959.47	34,161.84 2.87%	365,839.86	362,277.90	(3,561.96) -0.97%	824,957.77	862,681.57	37,723.80 4.57%
17th St. Lots	993,514.16	1,132,732.81	139,218.65 14.01%	181,671.74	177,981.23	(3,690.51) -2.03%	811,842.42	954,751.58	142,909.16 17.60%
12th St. Garage	238,115.79	239,887.05	1,771.26 0.74%	127,152.54	123,882.98	(3,269.56) -2.57%	110,963.25	116,004.07	5,040.82 4.54%
13th St. Garage	415,798.06	420,751.40	4,953.34 1.19%	216,258.73	207,987.34	(8,271.39) -3.82%	199,539.33	212,764.06	13,224.73 6.63%
42nd St. Garage	265,321.05	275,564.09	10,243.04 3.86%	108,527.88	113,036.21	4,508.33 4.15%	156,793.17	162,527.88	5,734.71 3.66%
16th St. - Anchor	0.00	1,067,090.57	1,067,090.57 #DIV/0!	0.00	287,102.91	287,102.91 #DIV/0!	0.00	779,987.66	779,987.66 #DIV/0!
Totals	4,562,704.50	5,873,236.70	1,310,532.20 28.72%	1,498,222.65	1,795,249.81	297,027.16 19.83%	3,064,481.85	4,077,986.89	1,013,505.04 33.07%
17 St. Garage	Revenue Per Space 1,035.79	Expenses Per Space 358.21	Profit/Loss Per Space 677.58	The 17th Street Garage has 1460 spaces.					
7th St. Garage	1,896.22	560.80	1,335.42	The 7th Street Garage has 646 spaces.					
17th St. Lots	2,238.60	351.74	1,886.86	The 17th Street Lots have 506 spaces.					
12th St. Garage	1,790.20	924.50	865.70	The 12th Street Garage has 134 spaces.					
13th St. Garage	1,471.16	727.23	743.93	The 13th Street Garage has 286 spaces.					
42nd St. Garage	444.46	182.32	262.14	The 42nd Street Garage has 620 spaces.					
16th St. - Anchor	1,328.88	357.54	971.34	The 16th Street Anchor Garage has 803 spaces.					

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
17th St. Garage
PROFIT AND LOSS STATEMENT**

LOCATION	ACCOUNTING CODE	2003 April	2004 April	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
17th St. Garage-2G						
Revenue-Ticket	480-8000-344583	99,839.26	127,139.34	27,300.08		
Revenue - Valet	480-8000-344583	6,300.00	6,300.00	0.00		
Revenue-Monthly Permits	480-8000-344514	<u>58,680.00</u>	<u>57,780.00</u>	<u>-900.00</u>		
	17th St. Garage REVENUE (Sales Tax Excluded)	164,819.26	191,219.34	26,400.08	16.02%	\$130.97
Expenses						
Security Personnel		20,612.78	15,804.17	-4,808.61		
Attendant/Cashier Labor		32,521.25	45,314.47	12,793.22		
FP&L		6,473.39	6,473.39	0.00		
Revenue Control Equipment Maintenance		1,666.67	1,666.67	0.00		
Armed Guard Revenue Pickup		517.18	420.00	-97.18		
Elevator Maintenance		613.00	425.00	-188.00		
Landscape Maintenance		108.33	108.33	0.00		
Garage Cleaning/Maintenance		<u>5,331.08</u>	<u>5,331.08</u>	<u>0.00</u>		
	17th St. Garage EXPENSES	67,843.68	75,543.11	7,699.43	11.35%	\$51.74
	17th St. Garage PROFIT/(LOSS)	96,975.58	115,676.23	18,700.65	19.28%	\$79.23
Number of Spaces						1460

Note:

The 17th Street Garage has 1460 spaces. Approximately 40% of the annual revenue is from monthly parkers including valet rentals. The remainder of income is derived from Lincoln Road/Conventions/TOPA/New World Symphony.

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**City of Miami Beach
Parking Department
17th Street Garage - 2G**

April-04

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Thursday	2,397	18:00-18:59	364	\$3,411.21
2	Friday	2,867	17:00-17:59	434	\$5,450.47
3	Saturday	3034	19:00-19:59	535	\$7,763.55
4	Sunday	2920	19:00-19:59	585	\$8,549.53
5	Monday	1810	17:00-17:59	307	\$1,703.74
6	Tuesday	2212	19:00-19:59	409	\$3,515.89
7	Wednesday	2330	19:00-19:59	365	\$3,490.65
8	Thursday	2504	19:00-19:59	415	\$3,791.59
9	Friday	2816	22:00-22:59	473	\$6,320.56
10	Saturday	2564	19:00-19:59	584	\$8,385.98
11	Sunday	2551	17:00-17:59	441	\$6,953.27
12	Monday	1651	17:00-17:59	292	\$1,703.74
13	Tuesday	2107	8:00-8:59	*	\$1,830.84
14	Wednesday	2333	14:00-14:59	*	\$2,200.00
15	Thursday	2505	8:00-8:59	*	\$2,409.35
16	Friday	2818	6:56-6:59	*	\$4,698.13
17	Saturday	2818	19:00-19:59	542	\$6,394.39
18	Sunday	3251	13:00-13:59	487	\$8,815.89
19	Monday	1,947	17:00-17:59	311	\$2,014.02
20	Tuesday	1969	17:00-17:59	287	\$2,115.89
21	Wednesday	2,114	18:00-18:59	335	\$2,294.39
22	Thursday	2,308	16:00-16:59	326	\$2,532.71
23	Friday	2,804	22:00-22:59	371	\$3,769.16
24	Saturday	2847	22:00-22:59	566	\$6,771.96
25	Sunday	2556	14:00-14:59	415	\$5,544.95
26	Monday	1,947	15:10-15:41	*	\$2,132.71
27	Tuesday	2,116	18:00-18:59	326	\$2,544.86
28	Wednesday	2,115	9:00-9:59	*	\$2,775.70
29	Thursday	2,309	*	*	\$3,301.87
30	Friday	2,803	15:47-17:59	*	\$3,952.34
	TOTAL	73,323			\$127,139.34
MONTHLY PERMIT REVENUE					\$57,780.00
VALET REVENUE					\$6,300.00
* Computer Malfunction information not available					
TOTAL NET REVENUE					\$191,219.34

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
7th St. Garage
PROFIT AND LOSS STATEMENT**

LOCATION	ACCOUNTING CODE	2003 April	2004 April	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
7th St. Garage-1G						
Revenue-Ticket	142-8000-344404	161,549.46	169,714.95	8,165.49		
Revenue-Monthly Permits	142-8000-344404	<u>13,050.00</u>	<u>13,725.00</u>	<u>675.00</u>		
	7th St. REVENUE (Sales Tax Excluded)	174,599.46	183,439.95	8,840.49	5.06%	\$283.96
Expenses						
Security Personnel		26,125.51	21,349.80	-4,775.71		
Attendant/Cashier Labor		16,755.04	17,863.50	1,108.46		
Landscape Maintenance		918.67	918.67	0.00		
FP&L		3,067.37	3,067.37	0.00		
Revenue Control Equipment Maintenance		700.00	700.00	0.00		
Garage Cleaning/Maintenance		4,864.00	4,864.00	0.00		
Armed Guard Revenue Pickup		517.18	420.00	-97.18		
Elevator Maintenance		1,180.88	1,202.00	21.12		
Surveillance System Maintenance		<u>495.00</u>	<u>534.60</u>	<u>39.60</u>		
	7th St. EXPENSES	54,623.65	50,919.94	-3,703.71	-6.78%	\$78.82
	7th St. Estimated Debt Service	59,500.00	59,500.00	0.00	0.00%	\$92.11
	7th St. PROFIT/(LOSS)	60,475.81	73,020.01	12,544.20	20.74%	\$113.03
Number of Spaces						646

Note:

Generators for this garage are local workers, restaurants, hotels, construction, visitors to SOBE, local beach goers, restaurant patrons and nightclub patrons.

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**City of Miami Beach
Parking Department
7th Street Garage-1G**

April-04

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Space Rental Goldman - No Tax	Daily Space Rental Other - Incl. Tax	Daily Revenue Including Tax
1	Thursday	1107	13:00 - 13:59	199	\$387.50	\$74.90	\$3,550.00
2	Friday	1646	14:00 - 14:59	299	\$387.50	\$74.90	\$10,488.00
3	Saturday	2212	16:00 - 16:59	337	\$387.50	\$74.90	\$12,536.00
4	Sunday	1849	17:00 - 17:59	326	\$387.50	\$74.90	\$8,028.00
5	Monday	949	16:00 - 16:59	168	\$387.50	\$74.90	\$3,081.00
6	Tuesday	1110	16:00 - 16:59	204	\$387.50	\$74.90	\$3,533.00
7	Wednesday	1219	17:00 - 17:59	223	\$387.50	\$74.90	\$4,142.00
8	Thursday	1578	16:00 - 16:59	276	\$387.50	\$74.90	\$5,324.00
9	Friday	2016	16:00 - 16:59	308	\$387.50	\$74.90	\$12,479.00
10	Saturday	2150	23:00 - 23:59	301	\$387.50	\$74.90	\$13,343.00
11	Sunday	2008	16:00 - 16:59	337	\$387.50	\$74.90	\$7,868.00
12	Monday	586	17:00 - 17:59	101	\$387.50	\$74.90	\$1,976.00
13	Tuesday	586	14:00 - 14:59	114	\$387.50	\$74.90	\$1,677.00
14	Wednesday	816	16:00 - 16:59	152	\$387.50	\$74.90	\$2,502.00
15	Thursday	956	13:00 - 13:59	169	\$387.50	\$74.90	\$2,961.00
16	Friday	1491	23:00 - 23:59	273	\$387.50	\$74.90	\$9,988.00
17	Saturday	2120	23:00 - 23:59	295	\$387.50	\$74.90	\$12,916.00
18	Sunday	2020	16:00 - 16:59	334	\$387.50	\$74.90	\$7,944.00
19	Monday	709	13:00 - 13:59	127	\$387.50	\$74.90	\$2,114.00
20	Tuesday	799	13:00 - 13:59	140	\$387.50	\$74.90	\$2,356.00
21	Wednesday	833	18:00 - 18:59	143	\$387.50	\$74.90	\$2,494.00
22	Thursday	1005	13:00 - 13:59	162	\$387.50	\$74.90	\$3,135.00
23	Friday	1543	23:00 - 23:59	226	\$387.50	\$74.90	\$8,896.00
24	Saturday	2093	16:00 - 16:59	287	\$387.50	\$74.90	\$13,354.00
25	Sunday	1990	00:00 - 00:59	335	\$387.50	\$74.90	\$8,008.00
26	Monday	825	13:00 - 13:59	132	\$387.50	\$74.90	\$2,716.00
27	Tuesday	772	14:00 - 14:59	146	\$387.50	\$74.90	\$2,302.00
28	Wednesday	468	19:00 - 19:59	88	\$387.50	\$74.90	\$1,458.00
29	Thursday	861	20:00 - 20:59	175	\$387.50	\$74.90	\$2,628.00
30	Friday	1235	23:00 - 23:59	207	\$387.50	\$74.90	\$7,798.00
TOTAL		39,552			\$11,625.00	\$2,247.00	\$181,595.00

TOTAL GROSS REVENUE	\$11,625.00	\$2,247.00	\$181,595.00
SALES TAX	\$0.00	\$147.00	\$11,880.05
TOTAL NET REVENUE	\$11,625.00	\$2,100.00	\$169,714.95

Monthly Budgeted Revenue Needed to Break Even - FY 03/04 (Includes Debt Service)		\$138,601.25
Less Current Month Net Revenue		\$183,439.95
Over/(Short)		\$44,838.70
Monthly Space Rental		
Goldman Properties - 155	\$11,625.00	No tax included
Other - 25	\$2,247.00	With Tax

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
5A Surface Lots East and West
PROFIT AND LOSS STATEMENT**

LOCATION	ACCOUNTING CODE	2003 April	2004 April	Increase/ (Decrease)	Percent of Increase/ (Decrease)
17th St. Parking Lots - 5A					
Revenue-Ticket	480-8000-344515	111,002.09	141,769.18	30,767.09	
Revenue-Monthly Permits	480-8000-344596	<u>16,560.00</u>	<u>16,560.00</u>	<u>0.00</u>	
	17th St. Lots REVENUE (Sales Tax Excluded)	127,562.09	158,329.18	30,767.09	24.12%
Expenses					
Security Personnel		2,157.89	953.99	-1,203.90	
Attendant/Cashier Labor		18,238.36	21,289.27	3,050.91	
Revenue Control Equipment Maintenance		1,666.67	1,666.67	0.00	
Landscape Maintenance		502.67	502.67	0.00	
FP&L		<u>391.48</u>	<u>391.48</u>	<u>0.00</u>	
	17th St. Lots EXPENSES	22,957.07	24,804.08	1,847.01	8.05%
	17th St. Lots PROFIT/(LOSS)	104,605.02	133,525.10	28,920.08	27.65%

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City of Miami Beach
Parking Department
5A Surface Lots East and West

April-04

Date	Day	East Total Vehicle Entries	East Daily Ticket Revenue	West Total Vehicle Entries	West Daily Ticket Revenue	Total Daily Ticket Revenue
1	Thursday	846	\$2,859.81	524	\$1,762.62	\$4,622.43
2	Friday	964	\$3,209.35	742	\$2,824.30	\$6,033.65
3	Saturday	920	\$4,179.44	872	\$4,276.64	\$8,456.08
4	Sunday	931	\$3,032.71	694	\$2,656.07	\$5,688.78
5	Monday	783	\$876.64	400	\$1,603.74	\$2,480.38
6	Tuesday	819	\$2,636.45	470	\$1,514.02	\$4,150.47
7	Wednesday	910	\$2,626.17	526	\$1,500.00	\$4,126.17
8	Thursday	961	\$3,178.50	601	\$1,977.57	\$5,156.07
9	Friday	1000	\$4,020.56	594	\$2,358.88	\$6,379.44
10	Saturday	1082	\$4,639.25	861	\$3,962.62	\$8,601.87
11	Sunday	916	\$2,904.67	644	\$2,738.32	\$5,642.99
12	Monday	754	\$1,587.85	465	\$890.65	\$2,478.50
13	Tuesday	819	\$1,728.04	471	\$943.93	\$2,671.97
14	Wednesday	909	\$1,860.75	525	\$1,284.11	\$3,144.86
15	Thursday	960	\$2,341.12	608	\$1,571.03	\$3,912.15
16	Friday	998	\$3,477.57	593	\$3,118.69	\$6,596.26
17	Saturday	1004	\$3,791.59	863	\$3,204.67	\$6,996.26
18	Sunday	928	\$2,792.52	645	\$2,117.76	\$4,910.28
19	Monday	733	\$1,468.22	465	\$946.73	\$2,414.95
20	Tuesday	780	\$1,619.63	479	\$1,053.27	\$2,672.90
21	Wednesday	798	\$2,396.26	457	\$1,395.33	\$3,791.59
22	Thursday	852	\$2,520.56	480	\$1,428.04	\$3,948.60
23	Friday	1033	\$3,350.47	637	\$2,410.28	\$5,760.75
24	Saturday	944	\$4,242.06	607	\$2,811.21	\$7,053.27
25	Sunday	1021	\$2,900.00	773	\$1,953.27	\$4,853.27
26	Monday	732	\$1,777.57	467	\$1,042.06	\$2,819.63
27	Tuesday	725	\$1,560.75	566	\$1,176.64	\$2,737.39
28	Wednesday	789	\$2,170.09	458	\$1,614.02	\$3,784.11
29	Thursday	851	\$2,414.95	481	\$1,817.76	\$4,232.71
30	Friday	1031	\$3,400.00	639	\$2,251.40	\$5,651.40
		26,793	81,563.55	17,607	\$60,205.63	\$141,769.18
MONTHLY PERMIT REVENUE						\$16,560.00
TOTAL NET REVENUE						\$158,329.18

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**CITY OF MIAMI BEACH
PARKING DEPARTMENT
12th St. Garage
PROFIT AND LOSS STATEMENT**

LOCATION	ACCOUNTING CODE	2003 April	2004 April	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
12th St. Garage - 2A						
Revenue-Ticket	480-8000-344504	29,315.86	31,798.13	2,482.27		
Revenue-Monthly Permits	480-8000-344593	<u>5,040.00</u>	<u>4,920.00</u>	<u>-120.00</u>		
	12th St. REVENUE (Sales Tax Excluded)	34,355.86	36,718.13	2,362.27	6.88%	\$274.02
Expenses						
Security Personnel		10,238.91	8,245.44	-1,993.47		
Attendant/Cashier Labor		6,810.78	7,210.50	399.72		
FP&L		108.54	108.54	0.00		
Elevator Maintenance		0.00	125.00	125.00		
Garage Cleaning/Maintenance		<u>1,557.25</u>	<u>1,532.50</u>	<u>-24.75</u>		
	12th St. EXPENSES	18,715.48	17,221.98	-1,493.50	-7.98%	\$128.52
	12th St. PROFIT/(LOSS)	15,640.38	19,496.15	3,855.77	24.65%	\$145.49

Number of Spaces 134

Note:

The 12th Street Garage achieves 16% of it revenue from permits, the balance is from transients arriving for court appearances, local workers, beachgoers, and nightclub patrons.

Excel (F drive/Ping/SPers/P&L/2004/November/12thstga.xls)LN

City of Miami Beach
Parking Department
12th Street Garage - 2A Garage

April-04

Date	Day	CMB	ARMOR	P.O	EMPLOYEE	COURT	BEST	HAND.	OTHERS	DAILY TICKETS	TOTAL ENTRIES	Daily Ticket Revenue
1	Thursday	1	0	1	0	0	0	2	6	164	174	\$820.56
2	Friday	1	0	4	0	0	0	2	3	216	226	\$1,349.53
3	Saturday	1	0	1	0	1	0	6	1	272	282	\$2,085.98
4	Sunday	1	1	0	0	0	0	2	2	174	180	\$1,360.75
5	Monday	0	1	0	0	5	0	2	1	146	155	\$622.43
6	Tuesday	1	1	0	0	1	0	1	1	156	161	\$785.05
7	Wednesday	1	3	1	0	0	0	1	1	151	158	\$758.88
8	Thursday	0	0	2	0	4	0	1	2	251	260	\$1,306.54
9	Friday	1	0	0	0	0	0	3	3	219	226	\$1,493.46
10	Saturday	0	0	1	0	0	0	2	3	229	235	\$1,786.92
11	Sunday	0	0	0	0	0	0	1	1	182	184	\$1,433.64
12	Monday	0	3	0	0	4	0	0	2	121	130	\$517.76
13	Tuesday	0	1	1	0	2	0	3	3	119	129	\$571.96
14	Wednesday	4	1	0	0	0	0	1	1	118	125	\$652.34
15	Thursday	3	0	1	0	0	0	0	7	173	184	\$861.68
16	Friday	0	3	2	0	1	0	5	0	199	210	\$1,284.11
17	Saturday	0	2	0	0	0	1	2	0	237	242	\$1,777.57
18	Sunday	0	0	2	0	0	0	0	0	160	162	\$1,244.86
19	Monday	1	2	0	0	4	0	4	1	133	145	\$557.01
20	Tuesday	0	1	1	0	2	0	2	6	141	153	\$639.25
21	Wednesday	0	4	0	0	0	0	1	1	107	113	\$551.40
22	Thursday	5	5	8	0	1	0	1	11	171	202	\$850.47
23	Friday	4	4	5	0	0	0	4	2	188	207	\$1,285.98
24	Saturday	1	5	0	0	0	0	0	2	210	218	\$1,798.13
25	Sunday	0	3	0	0	0	0	3	1	193	200	\$1,476.64
26	Monday	0	3	2	0	2	0	1	2	155	165	\$661.68
27	Tuesday	0	1	0	0	1	0	2	0	141	145	\$710.28
28	Wednesday	1	6	1	0	1	0	1	0	98	108	\$476.64
29	Thursday	2	5	2	0	0	0	2	3	136	150	\$702.80
30	Friday	1	4	2	0	2	0	3	3	212	227	\$1,373.83
TOTAL		29	59	37	0	31	1	58	69	5172	5456	\$31,798.13
MONTHLY PERMIT REVENUE												\$4,920.00
TOTAL NET REVENUE												\$36,718.13

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**CITY OF MIAMI BEACH
PARKING DEPARTMENT
13th St. Garage
PROFIT AND LOSS STATEMENT**

LOCATION	ACCOUNTING CODE	2003 April	2004 April	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
13th St. Garage-17A						
Revenue-Ticket	480-8000-344566	52,972.45	57,641.13	4,668.68		
Revenue-Monthly Permits	480-8000-344527	<u>7,860.00</u>	<u>7,500.00</u>	<u>-360.00</u>		
	13th St. REVENUE (Sales Tax Excluded)	60,832.45	65,141.13	4,308.68	7.08%	\$227.77
Expenses						
Security Personnel		12,820.10	9,779.19	-3,040.91		
Attendant/Cashier Labor		14,598.18	15,327.27	729.09		
Landscape Maintenance		216.67	216.67	0.00		
FP&L		1,404.98	1,404.98	0.00		
Revenue Control Equipment Maintenance		0.00	750.00	750.00		
Elevator Maintenance		0.00	170.00	170.00		
Armed Guard Revenue Pickup		517.18	420.00	-97.18		
Garage Cleaning/Maintenance		<u>1,483.00</u>	<u>1,318.00</u>	<u>-165.00</u>		
	13th St. EXPENSES	31,040.11	29,386.11	-1,654.00	-5.33%	\$102.75
	13th St. PROFIT/(LOSS)	29,792.34	35,755.02	5,962.68	20.01%	\$125.02
Number of Spaces						286

Note:

The 13th Street Garage achieves 15% of its revenue from permits, the balance is transient revenue. The generators are residents, local workers, construction, visitors to SOBE, beachgoers and restaurant patrons.

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April-04

		(Art Deco)									Daily
Date	Day	Residential Decals	Monthly Permits	Handicap	City Wide Decals	Standard Attendants	Armor Security	Best Maintenance	Daily Tickets	Total Entries	Ticket Revenue
1	Thursday	17	80	1	0	7	2	0	382	489	\$1,554.21
2	Friday	19	86	2	0	7	2	0	417	533	\$1,983.18
3	Saturday	18	47	2	0	8	4	0	486	565	\$2,891.59
4	Sunday	17	43	0	0	8	3	0	539	610	\$2,765.42
5	Monday	25	77	3	0	4	2	0	311	422	\$1,490.65
6	Tuesday	13	77	1	0	5	2	0	331	429	\$1,481.31
7	Wednesday	15	82	0	0	6	4	0	410	517	\$2,007.48
8	Thursday	20	71	1	0	5	3	0	466	566	\$2,268.22
9	Friday	17	72	3	0	8	3	1	456	560	\$2,591.59
10	Saturday	16	42	3	0	5	3	0	494	563	\$2,754.21
11	Sunday	18	34	2	0	7	4	0	440	505	\$2,329.91
12	Monday	25	78	2	0	6	2	0	232	345	\$1,435.51
13	Tuesday	15	73	2	0	6	3	0	209	308	\$991.59
14	Wednesday	18	79	1	0	6	3	0	292	399	\$1,406.54
15	Thursday	16	75	1	0	8	2	0	394	496	\$1,795.33
16	Friday	23	98	1	0	8	3	0	415	548	\$2,272.90
17	Saturday	14	52	0	0	9	4	0	506	585	\$2,599.07
18	Sunday	10	41	3	0	6	4	0	466	530	\$2,180.37
19	Monday	19	76	1	0	7	3	0	273	379	\$1,602.80
20	Tuesday	16	70	0	0	5	2	0	260	353	\$1,275.70
21	Wednesday	16	75	1	0	5	3	0	242	342	\$1,065.42
22	Thursday	14	79	3	0	7	2	0	426	531	\$1,761.68
23	Friday	25	96	1	0	11	3	0	461	597	\$2,430.84
24	Saturday	16	55	2	0	7	5	0	529	614	\$2,771.03
25	Sunday	18	38	4	0	4	5	0	534	603	\$2,648.60
26	Monday	16	344	1	0	7	3	1	306	678	\$1,507.48
27	Tuesday	17	350	1	0	7	3	0	269	647	\$1,179.44
28	Wednesday	14	299	1	0	5	3	0	203	525	\$1,065.42
29	Thursday	13	347	1	0	9	3	0	254	627	\$1,275.70
30	Friday	20	485	1	0	9	3	0	308	826	\$2,257.94
	TOTAL	520	3521	45	0	202	91	2	11311	15692	\$57,641.13
MONTHLY PERMIT REVENUE											\$7,500.00
TOTAL NET REVENUE											\$65,141.13

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
16th St. - Anchor Garage
PROFIT AND LOSS STATEMENT**

LOCATION	ACCOUNTING CODE	April 2003 Actual	April 2004 Actual	2004 Actual Over (Under) 2003 Actual	Actual Percent Over (Under)	Rev/Exp Per Space
16th St. - Anchor Garage						
Revenue-Ticket	463-8000-344911		101,423.32	101,423.32		
Revenue -Valet-Loew's	463-8000-344587		13,807.94	13,807.94		
Revenue-Valet-Royal Palm	463-8000-344587		0.00	0.00		
Revenue-Monthly Permits	463-8000-344903		28,300.00	28,300.00		
	16th St. Garage REVENUE (Sales Tax Excluded)	0.00	143,531.26	143,531.26	#DIV/0!	\$178.74
Expenses						
Security Personnel			13,622.77	13,622.77		
Attendant/Cashier Labor			16,028.61	16,028.61		
FP&L			3,800.00	3,800.00		
Revenue Control Equipment Maintenance			775.00	775.00		
Armed Guard Revenue Pickup			420.00	420.00		
Elevator Maintenance			1,015.32	1,015.32		
Landscape Maintenance			164.67	164.67		
Garage Cleaning/Maintenance			22,325.40 (1)	22,325.40		
Sanitation (Waste Removal)			171.64	171.64		
Fire Alarm Service			250.00	250.00		
	16th St. Garage EXPENSES	0.00	58,573.41	58,573.41	#DIV/0!	\$72.94
	16th St. Garage PROFIT/(LOSS)	0.00	84,957.85	84,957.85	#DIV/0!	\$105.80
Number of Spaces						803

(1) Includes an adjustment of \$17,456.40 for underbillings by the contractor from June 2003.

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**City of Miami Beach
Parking Department
16th Street Garage (Anchor)**

April-04

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Thursday	646	99	19:00-19:59	\$2,216.82
2	Friday	761	101	18:00-18:59	\$3,787.85
3	Saturday	1158	157	18:00-18:59	\$7,047.66
4	Sunday	912	159	15:00-15:59	\$5,000.93
5	Monday	475	77	15:00-15:59	\$1,714.95
6	Tuesday	584	95	18:00-18:59	\$1,698.13
7	Wednesday	707	108	18:00-18:59	\$2,101.87
8	Thursday	894	138	14:00-14:59	\$3,475.70
9	Friday	1048	133	14:00-14:59	\$4,544.86
10	Saturday	1131	161	17:00-17:59	\$7,436.45
11	Sunday	853	140	15:00-15:59	\$4,257.94
12	Monday	439	75	15:00-15:59	\$1,435.51
13	Tuesday	450	76	18:00-18:59	\$1,072.90
14	Wednesday	617	100	19:00-19:59	\$1,756.07
15	Thursday	652	95	13:00-13:59	\$2,363.55
16	Friday	859	109	23:00-23:59	\$4,181.31
17	Saturday	1071	147	22:00-22:59	\$6,436.45
18	Sunday	929	495	14:00-14:59	\$4,551.40
19	Monday	535	83	18:00-18:59	\$1,642.06
20	Tuesday	545	84	13:00-13:59	\$1,801.87
21	Wednesday	564	91	18:00-18:59	\$1,560.75
22	Thursday	674	102	18:00-18:59	\$2,341.12
23	Friday	840	109	18:00-18:59	\$4,339.25
24	Saturday	1137	160	20:00-20:59	\$7,285.02
25	Sunday	935	157	15:00-15:59	\$5,124.30
26	Monday	610	87	19:00-19:59	\$2,316.82
27	Tuesday	486	74	18:00-18:59	\$1,456.07
28	Wednesday	558	81	18:00-18:59	\$1,743.93
29	Thursday	623	86	19:00-19:59	\$2,293.46
30	Friday	897	118	19:00-19:59	\$4,438.32
	TOTAL	22,590			\$101,423.32
MONTHLY PERMIT REVENUE					\$28,300.00
VALET REVENUE					\$13,807.94
TOTAL NET REVENUE					\$143,531.26

Note: Garage contract awarded effective June 9, 2003.

CITY OF MIAMI BEACH
PARKING DEPARTMENT
42nd St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 April	2004 April	Increase/ Decrease	Percent of Increase/ Decrease	Revenue/ Expense Per Space
42nd St. Garage - 8A						
Revenue-Ticket	480-8000-344531	2,602.80	3,200.92	598.12		
Revenue-Monthly Permits	480-8000-344595	<u>34,440.00</u>	<u>35,100.00</u>	<u>660.00</u>		
	42nd St. REVENUE (Sales Tax Excluded)	37,042.80	38,300.92	1,258.12	3.40%	\$61.78
Expenses						
Security Personnel		10,989.83	8,245.44	-2,744.39		
Attendant/Cashier Labor		2,631.78	3,210.77	578.99		
FP&L		1,805.96	1,805.96	0.00		
Revenue Control Equipment Maintenance		217.50	0.00	-217.50		
Elevator Maintenance		536.00	430.00	-106.00		
Landscape Maintenance		0.00	0.00	0.00		
Garage Cleaning/Maintenance		<u>1,285.00</u>	<u>1,780.00</u>	<u>495.00</u>		
	42nd St. EXPENSES	17,466.07	15,472.17	-1,993.90	-11.42%	\$24.96
	42nd St. PROFIT/(LOSS)	19,576.73	22,828.75	3,252.02	16.61%	\$36.82
					Number of Spaces	620

Note:
The primary users of this facility are monthly parkers engaged in local business.

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**CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON**

LOCATION	ACCOUNTING CODE	April 2004 # of Meters	2003 April	2004 April	Increase/ (Decrease)	Percent of Increase/ (Decrease)
1X - (Washington - 4th & Lincoln) - On Street	480-8000-344501	291	53,572.41	46,395.53	(7,176.88)	-13.40%
1A - (1st Street & Ocean Dr.) - Off Street	480-8000-344502	57	8,412.55	8,436.75		
1A - (1st Street & Ocean Dr.) - Attended	480-8000-344502	0	0.00	184.51		
Total		57	8,412.55	8,621.26	208.71	2.48%
2X - (Washington - 5th & Lincoln) - On Street	480-8000-344503	370	46,667.80	43,701.92	(2,965.88)	-6.36%
2B - (6/7 & Meridian) - Off Street	480-8000-344505	22	436.83	232.58	(204.25)	-46.76%
3X - (Collins & Euclid Ave.) On Street	480-8000-344507	68	6,246.76	6,128.83	(117.93)	-1.89%
4X - (Alton 7th St.- Dade Blvd.) - On Street	480-8000-344509	491	65,823.07	76,754.93	10,931.86	16.61%
4B - (Alton & 20th St.-Purdy-Dade Blvd.) - On Street	480-8000-344511	213	13,566.39	12,156.11	(1,410.28)	-10.40%
4C - (West Ave & 17th St.) - Off Street	480-8000-344512	66	13,352.10	9,344.95	(4,007.15)	-30.01%
4D - (West Ave & Lincoln Rd.) - Off Street	480-8000-344513	30	2,595.13	4,485.13	1,890.00	72.83%
5C - (Convention Ctr. Dr. & 17th Street) - Off Street	480-8000-344517	85	2,079.81	2,560.74		
5C - (Convention Ctr. Dr. & 17th Street) - Attended	480-8000-344517	0	0.00	0.00		
Total		85	2,079.81	2,560.74	480.93	23.12%
5F - (Meridian Ave & 18th Street) - Off Street	480-8000-344519	97	382.32	557.61		
5F - (Meridian Ave & 18th Street) - Attended	480-8000-344519	0	0.00	0.00		
Total		97	382.32	557.61	175.29	45.85%
5H - (19th Street & Meridian Ave) - Off Street	480-8000-344521	27	851.35	613.95	(237.40)	-27.89%
5M - (17th & Meridian Ave) - Off Street	480-8000-344506	27	2,280.92	2,732.31	451.39	19.79%
6X - (Collins - 20th to 24th St) - On Street	480-8000-344522	236	22,717.31	29,961.46	7,244.15	31.89%
6A - (22nd Street & Park)- Off Street	480-8000-344523	14	204.98	668.16	463.18	225.96%
6B - (Collins Ave & 21st Street) - Off Street	480-8000-344524	190	18,448.22	17,210.97		
6B - (Collins Ave & 21st Street) - Attended	480-8000-344524	0	240.00	0.00		
Total		190	18,688.22	17,210.97	(1,477.25)	-7.90%
7X - (Ocean - Biscayne - 15th St) - On Street	480-8000-344525	442	69,612.49	81,185.75	11,573.26	16.63%
7A - (Collins Ave, 4th to 15th St) - On Street	480-8000-344526	591	138,724.73	131,935.67	(6,789.06)	-4.89%
7C - (Collins Ave & 6th St) - Off Street	480-8000-344528	14	789.86	641.11		
7C - (Collins Ave & 6th St) - Attended	480-8000-344528	0	0.00	614.95		
		14	789.86	1,256.06	466.20	59.02%
8X - (Pinetree-Alton - 40th to 42nd St) - On Street	480-8000-344530	386	20,754.14	15,418.50	(5,335.64)	-25.71%
8A - (42nd Street Garage) - Off Street Meters	480-8000-344531	11	319.15	214.62	(104.53)	-32.75%
8B - (42nd Street & Royal Palm) - Off Street	480-8000-344532	173	4,218.23	2,913.69		
8B - (42nd Street & Royal Palm) - Attended	480-8000-344532	0	0.00	0.00		
		173	4,218.23	2,913.69	(1,304.54)	-30.93%
8C - (40/41 Street & Chase) - Off Street	480-8000-344533	88	1,856.57	1,621.93	(234.64)	-12.64%
8D - (47th Street & Pinetree) - Off Street	480-8000-344534	16	221.18	235.97	14.79	6.69%
8E - (41st Street & Alton) - Off Street	480-8000-344535	40	1,389.79	1,312.43	(77.36)	-5.57%
8F - (41st Street & Jefferson) - Off Street	480-8000-344536	30	726.48	431.89	(294.59)	-40.55%
9X - (Collins - 64th to 79th St) - On Street	480-8000-344537	527	33,115.50	33,040.68	(74.82)	-0.23%
9A - (Harding & 71st St) - Off Street	480-8000-344538	48	414.89	763.53	348.64	84.03%
9B - (72nd St. & Collins) - Off Street - Attended	480-8000-344539	0	0.00	7,992.52	7,992.52	#DIV/0!
9C (Carlyle & 71st St) - Off Street	480-8000-344540	14	127.98	45.86	(82.12)	-64.17%
9D - (Collins & 76th St) - Off Street	480-8000-344541	33	915.46	664.20	(251.26)	-27.45%

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON**

LOCATION	ACCOUNTING CODE	April 2004 # of Meters	2003 April	2004 April	Increase/ (Decrease)	Percent of Increase/ (Decrease)
9E - (71st St. & Harding) - Off Street	480-8000-344542	31	138.37	646.91	508.54	367.52%
9F - (75th & Collins) - Off Street	480-8000-344543	106	4,133.06	3,772.82	(360.24)	-8.72%
10A - (Lincoln Lane & Lenox) - Off Street	480-8000-344544	70	12,590.43	10,680.42	(1,910.01)	-15.17%
10B - (Lincoln Lane & Michigan) - Lease	480-8000-344545	0	14,583.33	14,583.33		
10B - (Lincoln Lane & Michigan) - Attended	480-8000-344545	0	0.00	0.00		
Total		0	14,583.33	14,583.33	0.00	0.00%
10C - (Lincoln Lane & Meridian) - Off Street	480-8000-344546	141	31,014.00	29,532.20	(1,481.80)	-4.78%
10D - (Lincoln Lane & Jefferson - W) - Off Street	480-8000-344547	62	11,662.43	9,515.16	(2,147.27)	-18.41%
10E - (Lincoln Lane & Jefferson - E) - Off Street	480-8000-344548	19	3,629.62	3,600.83	(28.79)	-0.79%
10F - (Lincoln Lane & Euclid) - Off Street	480-8000-344549	36	6,940.64	5,754.98	(1,185.66)	-17.08%
10G - (Lincoln Lane & Michigan) - Off Street	480-8000-344550	21	3,096.22	2,929.72	(166.50)	-5.38%
11X - (Collins & 11th Street) - Off Street	480-8000-344551	0	0.00	0.00		
11X - (Collins & 11th Street) - Attended	480-8000-344551	0	0.00	0.00		
Total		0	0.00	0.00	0.00	#DIV/0!
12X - (Washington & 9th Street) - Off Street	480-8000-344552	23	3,990.91	2,878.09		
12X - (Washington & 9th Street) - Attended	480-8000-344552	0	0.00	0.00		
Total		23	3,990.91	2,878.09	(1,112.82)	-27.88%
13X - (Washington & 10th Street) - Off Street	480-8000-344553	33	6,203.70	6,396.69		
13X - (Washington & 10th Street) - Attended	480-8000-344553	0	0.00	0.00		
Total		33	6,203.70	6,396.69	192.99	3.11%
15X - (16th to 18th East of Collins) - On Street	480-8000-344556	43	9,476.63	9,690.13	213.50	2.25%
15A - (Washington, 17th to 20th) - On Street	480-8000-344557	91	11,398.63	11,557.07	158.44	1.39%
15B - (Convention Center Drive) - On Street	480-8000-344558	46	2,391.65	2,363.53	(28.12)	-1.18%
16X - (25th to 32nd, E of Collins) - On Street	480-8000-344559	78	7,848.50	7,209.80	(638.70)	-8.14%
16A - (35th to 43rd, E of Collins) - On Street	480-8000-344560	117	9,801.52	11,679.92	1,878.40	19.16%
16B - (Indian Crk Dr, 27th to 32nd) - On Street	480-8000-344561	219	6,563.88	6,206.05	(357.83)	-5.45%
16C - (Indian Crk - 33rd to 43rd) - On Street	480-8000-344562	230	11,459.23	12,125.68	666.45	5.82%
16D - (Collins Ave & 34th St) - Off Street	480-8000-344563	64	2,317.28	2,304.87		
16D - (Collins Ave & 34th St) - Attended	480-8000-344563	0	0.00	0.00		
Total		64	2,317.28	2,304.87	(12.41)	-0.54%
16E - (Collins Ave & 35th St) - Off Street	480-8000-344564	72	4,613.28	3,328.58		
16E - (Collins Ave & 35th St) - Attended	480-8000-344564	0	0.00	0.00		
Total		72	4,613.28	3,328.58	(1,284.70)	-27.85%
17X - (Collins & 13th Street) - Off Street	480-8000-344565	54	4,978.31	7,141.48		
17X - (Collins & 13th Street) - Attended	480-8000-344565	0	8,119.64	9,196.23		
Total		54	13,097.95	16,337.71	3,239.76	24.73%
18X - (Indian Crk & 65th St) - Off Street	480-8000-344567	53	129.67	124.54	(5.13)	-3.96%
18A - (Collins & 64th St) - Off Street	480-8000-344568	67	3,577.95	3,926.85		
18A - (Collins & 64th St) - Attended	480-8000-344568	0	0.00	0.00		
Total		67	3,577.95	3,926.85	348.90	9.75%
19X - (Collins & 46th Street) - Off Street	480-8000-344569	449	19,326.73	24,233.47		
19X - (Collins & 46th Street) - Attended	480-8000-344569	0	0.00	0.00		
Total		449	19,326.73	24,233.47	4,906.74	25.39%
19A - (Collins & 46th Street) - On Street	480-8000-344570	19	1,667.68	1,566.48	(101.20)	-6.07%
19B - (Collins & 53rd Street) - Off Street	480-8000-344571	158	9,075.13	3,995.86		
19B - (Collins & 53rd Street) - Attended	480-8000-344571	0	0.00	0.00		
Total		158	9,075.13	3,995.86	(5,079.27)	-55.97%

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON**

LOCATION	ACCOUNTING CODE	April 2004 # of Meters	2003 April	2004 April	Increase/ (Decrease)	Percent of Increase/ (Decrease)
20X - (Collins Ave & 27th St) - Off Street	480-8000-344572	121	3,763.04	3,757.17		
20X - (Collins Ave & 27th St) - Attended	480-8000-344572	0	120.00	0.00		
Total		121	3,883.04	3,757.17	(125.87)	-3.24%
22X - (Carlyle & 72nd St) - Off Street	480-8000-344574	45	0.00	0.00	0.00	#DIV/0!
23X - (83rd & Abbott) - Off Street	480-8000-344575	25	13.47	66.22	52.75	391.61%
24X - (Normandy Isle & Bay Dr) - On Street	480-8000-344576	102	3,767.91	3,434.18	(333.73)	-8.86%
24A - (Normandy Isle & Bay Dr) - Off Street	480-8000-344577	26	496.73	463.45	(33.28)	-6.70%
24B - (Normandy Isle & Vendome) - Off Street	480-8000-344578	22	330.77	635.71	304.94	92.19%
24C - (Normandy Isle & Bay Rd S/S) - Off Street	480-8000-344579	33	532.41	700.57	168.16	31.58%
25X - (Bonita Drive & 71st St) - Off Street	480-8000-344580	15	159.02	326.63	167.61	105.40%
26X - (Collins, 79th to 87th Terr) - On Street	480-8000-344581	283	1,682.64	4,977.32	3,294.68	195.80%
10X - (Lincoln Lane & Lenox - Off Street)	480-8000-344582	99	19,276.94	16,275.35		
10X - (Lincoln Lane & Lenox - Attended)	480-8000-344582	0	0.00	0.00		
Total		99	19,276.94	16,275.35	(3,001.59)	-15.57%
26A - (Collins & 80th Street) - Off Street	480-8000-344584	62	562.91	887.29	324.38	57.63%
26B - (Collins & 84th Street) - Off Street	480-8000-344585	62	420.22	786.27	366.05	87.11%
4E (Purdy & 18th Street) - Off Street	480-8000-344586	39	3,537.74	4,563.20		
4E (Purdy & 18th Street) - Attended	480-8000-344586	0	0.00	3,232.71		
		39	3,537.74	7,795.91	4,258.17	120.36%
8G - (40th Street & Royal Palm) - Off Street	480-8000-344592	43	2,152.47	2,037.48	(114.99)	-5.34%
8H - (40th Street & Prairie) - Off Street	480-8000-344594	71	3,271.89	2,747.90	(523.99)	-16.01%
26C - (Collins & 79th Street) - Off Street	480-8000-344600	34	51.99	206.19	154.20	296.60%
26D - (Collins & 83rd Street) - Off Street	480-8000-344601	95	49.88	718.33	668.45	1340.12%
SLSP00 - (Southpoint Lot) - Off Street	480-8000-344602	108	8,366.96	4,409.99		
SLSP00 - (Southpoint Lot) - Attended	480-8000-344602	0	0.00	9,901.86		
		108	8,366.96	14,311.85	5,944.89	71.05%
4th & Alton Lot - Off Street	480-8000-344604	21	1,930.84	1,210.03	(720.81)	-37.33%
4A - 1833 Bay Road	480-8000-344608	0	0.00	0.00	0.00	#DIV/0!
7D - 10-11th & Collins (Lease)	480-8000-344529	0	3,500.00	3,500.00	0.00	0.00%
10H - (Lincoln Rd. So. & Lenox) - Off Street	480-8000-344611	0	0.00	0.00	0.00	#DIV/0!
14A - 16th Street & Washington (Lease)	480-8000-344555	0	14,583.33	14,583.33	0.00	0.00%
TOTAL		8,305	810,363.98	827,522.61	17,158.63	2.12%

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE: APRIL 2004**

VENDOR	\$10	\$25	\$25 CARDS W/10% DISCOUNT \$22.50	MACHINE SALES \$ AMT	REFUNDS	COLLECTOR CARDS \$20	COLL. CARDS W/10% DISCOUNT \$18	TOTALS
BAY SUPERMARKET	0	0	0			0	0	\$0.00
BRIGHAM GARDENS	0	0	0			0	0	\$0.00
D'VINE CYBER LOUNGE	0	0	0			0	0	\$0.00
COMPASS MARKET	0	0	0			0	0	\$0.00
CHAMBER OF COMMERCE	0	0	0			0	0	\$0.00
CLEAN MACHINE	0	0	0			0	0	\$0.00
FINANCE DEPARTMENT	0	57	71			0	0	\$3,022.50
KOSHER WORLD	0	0	0			0	0	\$0.00
LEE ANN DRUGS	0	0	40			0	0	\$900.00
NEWS CAFE	0	0	20			0	0	\$450.00
PARKING DEPARTMENT	0	251	96		\$0.00	0	0	\$8,435.00
PARKING DEP.(GARAGES)	0	13	0			0	0	\$325.00
PUBLIX SUPERMARKET	0	0	2170			0	0	\$48,825.00
SUNSET CAFÉ	0	0	0			0	0	\$0.00
BEACH BANK	0	0	0			0	0	\$0.00
PRKG MACHINE - CASH	0	0	0	\$2,835		0	0	\$2,835.00
PRKG MACHINE - CREDIT	0	0	0	\$3,195		0	0	\$3,195.00
ZELICK'S TOBACCO	0	0	45			0	0	\$1,012.50
WOLFSONIAN	0	0	0			0	0	\$0.00
SHEMTOV'S	0	0	0			0	0	\$0.00
TOTAL # OF CARDS	0	321	2,442	N/A	N/A	0	0	2,763.00
TOTAL \$ AMOUNT	\$0.00	\$8,025.00	\$54,945.00	\$6,030.00	\$0.00	\$0.00	\$0.00	\$69,000.00

Excel (Fdrive/Ping/\$Pers/P&L/2004/January/Debitcrd.xls)

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE: OCTOBER 2003 - APRIL 2004**

VENDOR	\$10	\$25	\$25 CARDS	MACHINE	REFUNDS	COLLECTOR	COLL. CARDS	TOTALS
			W/10% DISCOUNT	SALES		CARDS	W/10% DISCOUNT	
			\$22.50	\$ AMT		\$20	\$18	
BAY SUPERMARKET	0	0	40			0	0	\$900.00
BRIGHAM GARDENS	0	0	0			0	0	\$0.00
D'VINE CYBER LOUNGE	0	0	10			0	0	\$225.00
COMPASS MARKET	0	0	0			0	0	\$0.00
CHAMBER OF COMMERCE	0	0	60			0	0	\$1,350.00
CLEAN MACHINE	0	0	0			0	0	\$0.00
FINANCE DEPARTMENT	0	480	468			0	0	\$22,530.00
KOSHER WORLD	0	0	0			0	0	\$0.00
LEE ANN DRUGS	0	0	255			0	0	\$5,737.50
NEWS CAFE	0	0	80			0	0	\$1,800.00
PARKING DEPARTMENT	0	1878	816		\$0.00	0	0	\$65,310.00
PARKING DEP.(GARAGES)	0	42	0			0	0	\$1,050.00
PUBLIX SUPERMARKET	0	0	17001			0	0	\$382,522.50
SUNSET CAFÉ	0	0	6		0.00	0	0	\$135.00
BEACH BANK	0	0	50			0	0	\$1,125.00
PRKG MACHINE - CASH	0	0	0	\$17,135		0	0	\$17,135.00
PRKG MACHINE - CREDIT	0	0	0	\$15,335		0	0	\$15,335.00
ZELICK'S TOBACCO	0	0	87			0	0	\$1,957.50
WOLFSONIAN	0	0	50			0	0	\$1,125.00
SHEMTOV'S	0	0	0			0	0	\$0.00
TOTAL # OF CARDS	0	2,400	18,923	N/A	N/A	0	0	21,323.00
TOTAL \$ AMOUNT	\$0.00	\$60,000.00	\$425,767.50	\$32,470.00	\$0.00	\$0.00	\$0.00	\$518,237.50

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**CITY OF MIAMI BEACH
PARKING DEPARTMENT
MULTI-SPACE PARKING METER REVENUE COMPARISON**

LOCATION	Number of Spaces	2002 April	2003 April	Increase/ (Decrease)	2004 April	Increase/ (Decrease)
Ocean Drive	47	\$8.35	\$9.74	16.65%	\$12.67	30.08%
777 17th Street	27	\$0.00	\$2.43	#DIV/0!	\$3.37	38.68%

YEAR TO DATE REVENUE COMPARISON

LOCATION	Number of Spaces	Fiscal 2001/2002	Fiscal 2002/2003	Increase/ (Decrease)	Fiscal 2003/2004	Increase/ (Decrease)
Ocean Drive	47	\$5.62	\$9.00	60.14%	\$10.85	20.56%
777 17th Street	27	\$0.00	\$2.81	#DIV/0!	\$3.21	14.23%

Method of Payment Distribution Year to Date for All Collections

Currency	67.36%
Coin	21.85%
Credit Card	10.79%
Total	100.00%

Multispace meters were installed in January 2003. Fiscal year 2002 data has been included to show the effect on revenue of the multi-space meters versus the single-space meters.

The 777 17th Street Lot did not contain meters in April 2002.

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
17th St. Garage**

PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
17th St. Garage-2G														
Revenue-Ticket	480-8000-344583	126,289.54	162,005.37	140,671.98	158,906.54	210,057.03	154,691.53	127,139.34	0.00	0.00	0.00	0.00	0.00	1,079,771.31
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	0.00	0.00	0.00	0.00	0.00	44,100.00
Revenue-Monthly Permits	480-8000-344514	53,760.00	56,760.00	54,960.00	54,000.00	53,760.00	57,360.00	57,780.00	0.00	0.00	0.00	0.00	0.00	388,380.00
17th St. REVENUE														
(Sales Tax Excluded)														
Expenses														
Security Personnel		15,896.40	16,574.30	16,802.34	15,494.05	17,601.32	16,653.45	15,804.17	0.00	0.00	0.00	0.00	0.00	114,826.03
Attendant/Cashier Labor		41,511.91	48,342.11	40,772.36	36,234.53	52,732.42	40,835.62	45,314.47	0.00	0.00	0.00	0.00	0.00	305,743.42
FP&L		6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	0.00	0.00	0.00	0.00	0.00	45,313.73
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	0.00	0.00	0.00	0.00	0.00	11,666.69
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	0.00	0.00	0.00	0.00	0.00	2,940.00
Elevator Maintenance		738.00	613.00	613.00	800.50	613.00	613.00	425.00	0.00	0.00	0.00	0.00	0.00	4,415.50
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	0.00	0.00	0.00	0.00	0.00	758.31
Garage Cleaning/Maintenance		5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	0.00	0.00	0.00	0.00	0.00	37,317.56
17th St. EXPENSES														
(Sales Tax Excluded)														
17th St. PROFIT/(LOSS)														
(Drive/Ping#Pers&L2004/17thstgs.xls)														
		114,213.78	145,536.49	129,744.79	152,677.99	185,170.82	146,249.99	115,676.23	0.00	0.00	0.00	0.00	0.00	989,270.07

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
17th St. Garage-2G														
Revenue-Ticket	480-8000-344583	105,641.20	159,877.65	136,339.53	153,112.01	199,421.53	147,306.63	99,839.26	135,459.72	92,178.14	102,296.41	106,516.89	91,325.39	1,529,314.36
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	60,000.00	61,560.00	59,820.00	56,760.00	57,960.00	58,740.00	58,680.00	53,460.00	54,300.00	55,920.00	53,160.00	53,220.00	683,580.00
17th St. REVENUE														
(Sales Tax Excluded)														
Expenses														
Security Personnel		16,561.95	16,616.47	16,549.18	20,680.62	17,432.22	16,471.66	20,612.78	16,448.34	20,600.10	16,480.25	20,599.69	16,233.62	215,266.88
Attendant/Cashier Labor		33,192.78	56,286.32	36,137.49	39,265.13	48,329.64	37,381.35	32,521.25	34,321.57	59,870.88	35,809.78	34,812.81	42,009.65	489,938.65
FP&L		5,352.35	5,507.51	6,007.59	5,672.16	9,827.33	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.67
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,379.04
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	6,376.75	13,119.75
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,289.96
Garage Cleaning/Maintenance		3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	51,985.98
17th St. EXPENSES														
(Sales Tax Excluded)														
17th St. PROFIT/(LOSS)														
		110,636.94	143,130.17	137,568.09	144,356.92	181,895.16	145,823.05	96,975.58	129,546.16	57,350.01	97,578.91	95,661.92	72,225.90	1,412,748.81

CITY OF MIAMI BEACH
PARKING DEPARTMENT
17th St. Garage

PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
17th St. Garage-2G														
Revenue-Ticket	480-8000-344583	105,841.20	159,877.65	136,339.63	153,112.01	199,421.53	147,306.63	99,839.26	135,459.72	92,178.14	102,296.41	106,516.89	91,325.39	1,529,314.36
Revenue - Space Rental	480-8000-344593	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	60,000.00	61,560.00	59,820.00	56,760.00	57,960.00	58,740.00	58,680.00	53,460.00	54,300.00	55,920.00	53,160.00	53,220.00	683,580.00
Expenses	17th St. REVENUE													
(Sales Tax Excluded)														
Security Personnel		16,561.95	16,616.47	16,549.18	20,680.62	17,432.22	16,471.66	20,612.78	16,448.34	20,600.10	16,480.25	20,599.69	16,233.62	215,286.88
Attendant/Cashier Labor		33,192.78	56,286.32	36,137.49	39,265.13	48,329.64	37,381.35	32,521.25	34,321.57	59,870.88	35,809.78	34,812.81	42,003.65	489,938.65
FP&L		5,352.35	5,507.51	6,007.59	5,672.16	9,827.33	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.67
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,860.67	1,666.67	1,666.67	1,851.67	1,666.67	20,379.04
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	13,119.75
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
Garage Cleaning/Maintenance		3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	51,985.99
17th St. EXPENSES		61,304.26	84,607.48	64,891.44	71,815.09	81,786.37	66,523.58	67,843.68	65,673.56	95,428.13	66,937.50	70,314.97	78,619.49	875,745.55
17th St. PROFIT/(LOSS)		110,636.94	143,130.17	137,568.09	144,356.92	181,895.16	145,823.05	96,975.58	129,546.16	57,350.01	97,578.91	95,681.92	72,225.90	1,412,748.81

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LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
17th St. Garage-2G														
Revenue-Ticket	480-8000-344583	95,980.84	88,650.62	117,454.92	129,924.57	193,183.71	173,980.26	137,297.11	123,415.47	109,810.52	97,670.31	100,261.80	101,232.96	1,468,863.09
Revenue - Space Rental	480-8000-344593	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	46,380.00	49,200.00	50,040.00	48,780.00	49,200.00	50,940.00	58,280.00	54,360.00	54,000.00	59,760.00	59,880.00	60,180.00	640,980.00
Expenses	17th St. REVENUE													
(Sales Tax Excluded)														
Security Personnel		12,311.04	12,073.41	11,853.44	12,243.49	12,971.98	11,674.27	12,081.92	11,200.98	13,739.92	16,653.15	19,575.84	17,759.89	164,139.33
Attendant/Cashier Labor		36,820.66	30,740.16	30,863.50	35,009.60	44,561.13	32,597.89	38,714.70	38,742.83	35,232.98	31,239.96	32,357.63	34,565.22	421,846.26
FP&L		5,519.53	5,106.15	5,446.68	5,793.30	5,678.30	5,251.72	5,381.93	5,279.30	5,704.54	5,485.43	5,460.87	6,099.82	66,207.55
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,000.04
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	6,208.16
Elevator Maintenance		613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	7,356.00
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
Garage Cleaning/Maintenance		3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	39,504.00
17th St. EXPENSES		60,848.41	54,116.90	54,360.78	59,243.57	69,408.59	55,721.06	62,375.73	61,420.29	60,874.62	59,575.72	63,591.52	65,022.11	728,559.30
17th St. PROFIT/(LOSS)		87,812.43	90,033.72	119,434.14	125,761.00	179,275.12	175,499.20	139,481.38	122,655.18	109,235.90	104,154.59	102,850.28	102,690.85	1,458,883.79

CITY OF MIAMI BEACH
PARKING DEPARTMENT
7th St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
7th St. Garage-1G Revenue-Ticket	142-8000-344404	139,529.56	139,842.06	130,241.12	167,042.06	164,871.96	219,217.76	169,714.95	0.00	0.00	0.00	0.00	0.00	1,130,459.47
Revenue-Monthly Permits	142-8000-344404	13,050.00	13,237.50	13,462.50	13,500.00	13,800.00	13,725.00	13,725.00	0.00	0.00	0.00	0.00	0.00	94,600.00
Expenses	7th St. REVENUE (Sales Tax Excluded)	152,579.56	153,079.56	143,703.62	180,542.06	178,671.96	232,942.76	183,439.95	0.00	0.00	0.00	0.00	0.00	1,224,959.47
Security		21,049.40	21,816.06	24,181.09	21,727.10	20,960.22	23,119.75	21,349.80	0.00	0.00	0.00	0.00	0.00	154,203.42
Attendant/Cashier Labor		17,797.52	17,668.48	17,422.60	17,959.47	17,642.06	19,282.80	17,863.50	0.00	0.00	0.00	0.00	0.00	124,636.42
Landscaping Maintenance		918.67	1,114.00	918.67	918.67	848.00	918.67	918.67	0.00	0.00	0.00	0.00	0.00	6,555.35
FP&L		3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	0.00	0.00	0.00	0.00	0.00	21,471.59
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	0.00	0.00	0.00	0.00	0.00	4,900.00
Garage Cleaning/Maintenance		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	0.00	0.00	0.00	0.00	0.00	33,784.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	0.00	0.00	0.00	0.00	0.00	2,940.00
Elevator Maintenance		1,729.00	1,202.00	2,271.50	985.00	1,460.42	420.00	420.00	0.00	0.00	0.00	0.00	0.00	9,834.92
Surveillance System Maintenance		534.60	534.60	744.60	534.60	534.60	534.60	534.60	0.00	0.00	0.00	0.00	0.00	3,952.20
7th St. EXPENSES		51,080.56	51,221.51	54,490.83	51,176.21	50,496.66	52,892.19	50,919.94	0.00	0.00	0.00	0.00	0.00	362,277.90
7th Street Estimated Debt Service		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	0.00	0.00	0.00	0.00	0.00	416,500.00
7th St. PROFIT/(LOSS)		41,999.00	42,358.05	29,712.79	69,865.85	68,675.30	120,550.57	73,020.01	0.00	0.00	0.00	0.00	0.00	446,181.57

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
7th St. Garage-1G Revenue-Ticket	142-8000-344404	136,186.19	137,501.35	140,246.61	148,182.44	153,858.76	221,647.82	161,549.46	174,847.57	133,750.47	164,101.85	178,871.59	120,362.30	1,871,006.41
Revenue-Monthly Permits	142-8000-344404	13,125.00	13,125.00	13,125.00	13,125.00	13,125.00	13,050.00	13,050.00	13,050.00	12,975.00	13,050.00	13,200.00	13,200.00	157,200.00
Expenses	7th St. REVENUE (Sales Tax Excluded)	149,311.19	150,626.35	153,371.61	161,307.44	166,983.76	234,597.82	174,599.46	187,897.57	146,725.47	177,151.85	192,071.59	133,562.30	2,028,206.41
Security		21,087.06	20,743.70	20,245.12	26,257.88	21,150.87	21,933.85	26,125.51	22,612.39	25,778.86	21,024.44	27,128.97	21,014.42	275,103.07
Attendant/Cashier Labor		16,755.52	25,273.02	16,806.12	17,276.43	16,664.70	17,694.64	16,755.04	16,993.83	25,407.34	16,835.01	17,385.71	17,618.06	221,365.42
Landscaping Maintenance		984.00	984.00	984.00	984.00	984.00	984.00	918.67	1,067.67	918.67	10,438.67	7,363.67	918.67	27,530.02
FP&L		2,667.70	2,747.44	2,709.51	2,462.61	4,749.59	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	36,908.44
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,400.00
Garage Cleaning/Maintenance		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	58,615.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	465.00	525.00	420.00	6,054.62
Elevator Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	1,180.88	1,264.84	1,836.44	1,180.88	1,480.88	1,295.00	13,946.92
Surveillance System Maintenance		437.00	437.00	437.00	437.00	437.00	437.00	495.00	495.00	495.00	1,855.00	580.00	2,810.60	9,352.60
7th St. EXPENSES		48,997.46	57,251.34	48,247.93	54,484.10	51,052.34	51,183.04	54,623.65	51,482.28	63,932.36	60,420.37	62,795.60	52,708.12	657,178.59
7th Street Estimated Debt Service		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
7th St. PROFIT/(LOSS)		40,813.73	33,875.01	45,623.68	47,323.34	56,431.42	123,914.78	60,475.81	76,915.29	23,293.11	57,231.48	69,775.99	21,354.18	657,027.82

CITY OF MIAMI BEACH
PARKING DEPARTMENT
7th St. Garage
PROFIT AND LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
7th St. Garage-1G Revenue-Ticket	142-8000-344404	136,186.19	137,501.35	140,246.61	148,182.44	153,858.76	221,547.82	161,549.46	174,847.57	133,750.47	164,101.85	178,871.59	120,362.30	1,871,006.41
Revenue-Monthly Permits	142-8000-344404	13,125.00	13,125.00	13,125.00	13,125.00	13,125.00	13,050.00	13,050.00	13,050.00	12,975.00	13,050.00	13,200.00	13,200.00	157,200.00
7th St. REVENUE (Sales Tax Excluded)		149,311.19	150,626.35	153,371.61	161,307.44	166,983.76	234,597.82	174,599.46	187,897.57	146,725.47	177,151.85	192,071.59	133,562.30	2,028,206.41
Expenses														
Security		21,087.06	20,743.70	20,245.12	26,257.88	21,150.87	21,933.85	26,125.51	22,612.39	25,778.86	21,024.44	27,128.97	21,014.42	276,103.07
Attendant/Cashier Labor		16,785.62	25,273.02	16,806.12	17,276.43	16,664.70	17,694.64	16,755.04	16,893.83	25,407.34	16,835.01	17,385.71	17,618.06	221,365.42
Landscape Maintenance		984.00	984.00	984.00	984.00	984.00	984.00	918.67	1,067.67	918.67	10,438.67	7,363.67	918.67	27,530.02
FP&L		2,667.70	2,747.44	2,709.51	2,462.61	4,749.59	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	36,808.44
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,400.00
Garage Cleaning/Maintenance		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	5,111.50	4,864.00	4,864.00	4,864.00	58,615.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	1,180.88	1,264.84	1,936.44	1,180.88	1,180.88	1,295.00	13,948.92
Surveillance System Maintenance		437.00	437.00	437.00	437.00	437.00	437.00	495.00	495.00	495.00	1,855.00	580.00	2,810.60	9,352.60
7th St. EXPENSES		48,997.46	57,251.34	48,247.93	54,484.10	51,052.34	51,183.04	54,623.65	51,482.28	63,932.36	60,420.37	62,795.60	52,708.12	657,178.59
7th Street Estimated Debt Service		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
7th St. PROFIT/(Loss)		40,813.73	33,875.01	45,623.68	47,323.34	56,431.42	123,914.78	60,475.81	76,915.29	23,293.11	57,231.48	69,775.99	21,354.18	657,027.82

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LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
7th St. Garage-1G Revenue-Ticket	142-8000-344404	98,891.68	105,333.01	144,735.13	153,866.18	138,843.74	240,191.44	171,039.15	163,294.17	139,551.83	163,218.25	175,770.79	135,339.42	1,830,074.79
Revenue-Monthly Permits	142-8000-344404	15,975.00	16,350.00	15,825.00	16,800.00	14,550.00	14,700.00	14,700.00	14,550.00	14,550.00	13,800.00	13,725.00	13,800.00	179,325.00
7th St. REVENUE (Sales Tax Excluded)		114,866.68	121,683.01	160,560.13	170,666.18	153,393.74	254,891.44	185,739.15	177,844.17	154,101.83	177,018.25	189,495.79	149,139.42	2,009,399.79
Expenses														
Security		15,394.28	15,695.07	14,460.29	15,772.87	15,146.88	17,041.38	15,881.17	16,768.28	17,513.64	22,087.41	25,611.88	22,611.97	212,955.12
Attendant/Cashier Labor		15,209.20	15,854.69	16,107.91	16,346.08	16,018.67	15,976.15	16,429.77	16,357.45	15,943.55	15,952.92	16,684.59	17,149.19	194,030.17
Landscape Maintenance		984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	11,808.00
FP&L		3,153.54	2,599.76	2,764.67	2,964.55	2,773.25	2,567.84	2,733.33	2,674.07	2,891.15	2,700.17	2,849.96	3,069.84	33,632.14
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,400.00
Garage Cleaning/Maintenance		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	58,368.00
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	6,206.16
Elevator Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	11,820.00
Surveillance System Maintenance		437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	5,244.00
7th St. EXPENSES		42,244.20	42,636.70	41,810.05	43,570.68	42,425.98	44,072.55	43,551.45	43,186.98	44,835.53	49,197.68	53,633.61	51,318.18	542,463.59
7th Street Estimated Debt Service		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
7th St. PROFIT/(Loss)		13,122.48	19,546.31	59,250.08	67,595.50	51,467.75	151,318.89	82,707.70	75,157.19	49,766.30	68,320.57	76,362.18	38,321.24	752,936.20

CITY OF MIAMI BEACH
PARKING DEPARTMENT
5A Surface Lots East and West
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
17th St. Parking Lots - 5A	Revenue-Ticket	123,301.93	135,390.66	142,474.77	153,204.65	157,831.80	163,559.82	141,769.18	0.00	0.00	0.00	0.00	0.00	1,017,532.81
	Revenue-Valet	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Revenue-Monthly Permits	16,800.00	18,360.00	15,960.00	16,200.00	15,660.00	15,660.00	16,560.00	0.00	0.00	0.00	0.00	0.00	115,200.00
	17th St. REVENUE (Sales Tax Excluded)	140,101.93	153,750.66	158,434.77	169,404.65	173,491.80	179,219.82	158,329.18	0.00	0.00	0.00	0.00	0.00	1,132,732.81
Expenses	Security Personnel	1,404.71	738.66	880.37	662.58	1,319.03	883.44	953.99	0.00	0.00	0.00	0.00	0.00	6,842.78
	Attendant/Cashier Labor	20,826.85	24,230.94	20,510.75	20,483.71	23,729.34	22,161.85	21,289.27	0.00	0.00	0.00	0.00	0.00	153,212.71
	Revenue Control Equipment Maintenance	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	0.00	0.00	0.00	0.00	0.00	11,666.69
	Landscape and Lot Maintenance FP&L	502.67	502.67	502.67	502.67	502.67	502.67	502.67	0.00	0.00	0.00	0.00	0.00	3,518.69
17th St. EXPENSES		391.48	391.48	391.48	391.48	391.48	391.48	391.48	0.00	0.00	0.00	0.00	0.00	2,740.36
		24,792.38	27,530.42	23,951.94	23,687.11	27,609.19	25,606.11	24,804.08	0.00	0.00	0.00	0.00	0.00	177,981.23
17th St. PROFIT/(LOSS)		115,309.55	126,220.24	134,482.83	145,717.54	145,882.61	153,613.71	133,525.10	0.00	0.00	0.00	0.00	0.00	954,751.58

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
17th St. Parking Lots - 5A	Revenue-Ticket	105,889.88	120,891.93	120,890.56	132,337.75	139,792.51	139,949.44	111,002.09	127,300.47	107,680.68	111,796.59	110,433.27	99,008.57	1,426,973.74
	Revenue-Valet	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Revenue-Monthly Permits	17,820.00	18,120.00	17,700.00	18,360.00	16,500.00	17,700.00	16,560.00	18,840.00	15,720.00	15,900.00	16,560.00	16,980.00	206,760.00
	17th St. REVENUE (Sales Tax Excluded)	123,709.88	139,011.93	138,590.56	150,697.75	156,292.51	157,649.44	127,562.09	146,140.47	123,400.68	127,696.59	126,993.27	115,988.57	1,633,733.74
Expenses	Security Personnel	1,883.74	1,884.70	1,797.93	2,334.72	1,591.97	1,750.52	2,157.89	1,786.10	2,172.81	1,743.98	1,863.20	1,687.74	22,655.30
	Attendant/Cashier Labor	17,939.85	30,340.05	19,183.60	21,628.82	22,409.89	20,603.96	18,238.36	18,745.80	30,790.29	17,290.61	17,265.92	20,813.79	255,250.94
	Revenue Control Equipment Maintenance	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,359.04
	Landscape and Lot Maintenance FP&L	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
17th St. EXPENSES		386.87	350.40	332.23	322.18	565.72	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,687.76
		22,379.80	34,744.49	23,483.10	26,455.06	26,736.92	24,915.30	22,957.07	23,286.72	35,523.92	21,760.41	21,689.94	25,062.35	308,995.08
17th St. PROFIT/(LOSS)		101,330.08	104,267.44	115,107.46	124,242.69	129,555.59	132,734.14	104,605.02	122,853.75	87,876.76	105,936.18	105,303.33	90,926.22	1,324,738.66

CITY OF MIAMI BEACH
PARKING DEPARTMENT
5A Surface Lots East and West
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
17th St. Parking Lots - 5A														
Revenue-Ticket	480-8000-344515	105,889.88	120,891.93	120,890.56	132,337.75	139,792.51	139,949.44	111,002.09	127,300.47	107,680.68	111,796.59	110,433.27	99,008.57	1,426,973.74
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	17,820.00	18,120.00	17,700.00	18,360.00	16,500.00	17,700.00	16,560.00	18,840.00	15,720.00	15,900.00	16,560.00	16,980.00	206,760.00
17th St. REVENUE (Sales Tax Excluded)		123,709.88	139,011.93	138,590.56	150,697.75	156,292.51	157,649.44	127,562.09	146,140.47	123,400.68	127,696.59	126,993.27	115,988.57	1,633,733.74
Expenses														
Security Personnel		1,883.74	1,884.70	1,797.93	2,334.72	1,591.97	1,750.52	2,157.89	1,786.10	2,172.81	1,743.98	1,863.20	1,687.74	22,655.30
Attendant/Cashier Labor		17,939.85	30,340.05	19,183.60	21,628.82	22,409.89	20,603.96	18,238.36	18,745.80	30,790.29	17,290.62	17,265.92	20,813.79	255,250.95
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,831.67	1,666.67	1,666.67	20,359.04
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
FP&L		386.87	350.40	332.23	322.18	565.72	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,697.76
17th St. EXPENSES		22,379.80	34,744.49	23,483.10	26,455.06	26,736.92	24,915.30	22,957.07	23,286.72	35,523.92	21,760.42	21,689.94	25,062.35	308,995.09
17th St. PROFIT/(LOSS)		101,330.08	104,267.44	115,107.46	124,242.69	129,555.59	132,734.14	104,605.02	122,853.75	87,876.76	105,936.17	105,303.33	90,926.22	1,324,738.65

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LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
17th St. Parking Lots - 5A														
Revenue-Ticket	480-8000-344515	84,476.22	86,054.63	129,752.12	132,730.72	133,767.55	155,170.88	123,970.05	119,955.85	116,868.05	108,329.32	115,012.11	102,521.07	1,408,608.58
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	17,760.00	16,080.00	16,140.00	14,940.00	15,780.00	17,460.00	17,040.00	16,680.00	16,800.00	16,080.00	17,760.00	17,760.00	200,280.00
17th St. REVENUE (Sales Tax Excluded)		102,236.22	102,134.63	145,892.12	147,670.72	149,547.55	172,630.88	141,010.05	136,635.85	133,668.05	124,409.32	132,772.11	120,281.07	1,608,888.58
Expenses														
Security Personnel		857.65	726.48	726.48	728.00	489.20	964.75	955.32	1,327.81	1,471.71	1,554.13	1,691.61	1,559.16	13,052.30
Attendant/Cashier Labor		17,436.09	16,120.74	17,827.14	18,512.07	19,388.97	20,846.52	21,119.07	19,675.74	17,955.12	17,566.44	19,212.48	20,566.65	226,227.03
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,000.04
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
FP&L		457.83	601.13	483.88	354.56	335.36	324.34	348.11	343.62	362.67	362.54	417.81	404.38	4,796.23
17th St. EXPENSES		20,920.91	19,617.69	21,206.84	21,763.97	22,382.87	24,304.95	24,591.84	23,516.51	21,958.84	21,652.45	23,491.24	24,698.53	270,107.64
17th St. PROFIT/(LOSS)		81,315.31	82,516.94	124,685.28	125,906.75	127,164.68	148,325.93	116,418.22	113,119.34	111,709.21	102,756.87	109,280.87	95,581.54	1,338,780.94

CITY OF MIAMI BEACH
PARKING DEPARTMENT
12th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
12th St. Garage-2A														
Revenue-Ticket	480-8000-344504	26,360.74	25,345.79	24,450.45	29,463.54	29,428.03	38,480.37	31,798.13	0.00	0.00	0.00	0.00	0.00	205,327.05
Revenue-Monthly Permits	480-8000-344593	5,220.00	5,100.00	5,040.00	4,740.00	4,740.00	4,800.00	4,920.00	0.00	0.00	0.00	0.00	0.00	34,560.00
12th St. REVENUE (Sales Tax Excluded)		31,580.74	30,445.79	29,490.45	34,203.54	34,168.03	43,280.37	36,718.13	0.00	0.00	0.00	0.00	0.00	239,887.05
Expenses														
Security Personnel		8,219.46	8,844.80	9,107.41	8,233.17	10,306.80	8,013.11	8,245.44	0.00	0.00	0.00	0.00	0.00	60,970.19
Attendant/Cashier Labor		7,247.08	7,241.85	7,200.05	7,215.73	7,184.37	7,226.18	7,210.50	0.00	0.00	0.00	0.00	0.00	59,525.76
FP&L		108.54	108.54	108.54	108.54	108.54	108.54	108.54	0.00	0.00	0.00	0.00	0.00	759.78
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	125.00	0.00	0.00	0.00	0.00	0.00	875.00
Garage Cleaning/Maintenance		1,540.75	1,532.50	1,540.75	1,540.75	1,524.23	1,540.75	1,532.50	0.00	0.00	0.00	0.00	0.00	10,752.25
12th St. EXPENSES		17,240.83	17,852.69	18,081.75	17,223.19	19,248.96	17,013.58	17,221.98	0.00	0.00	0.00	0.00	0.00	123,882.98
12th St. PROFIT/(LOSS)		14,339.91	12,593.10	11,408.70	16,980.35	14,919.07	26,266.79	19,496.15	0.00	0.00	0.00	0.00	0.00	116,004.07

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
12th St. Garage-2A														
Revenue-Ticket	480-8000-344504	23,808.81	26,646.02	27,241.35	27,276.87	28,087.39	39,739.49	29,315.86	33,756.05	22,192.23	30,702.84	31,246.72	22,452.33	342,485.96
Revenue-Monthly Permits	480-8000-344593	5,340.00	5,520.00	5,220.00	4,860.00	4,920.00	5,100.00	5,040.00	4,920.00	4,860.00	5,220.00	5,400.00	5,400.00	61,800.00
12th St. REVENUE (Sales Tax Excluded)		29,148.81	32,166.02	32,461.35	32,136.87	33,007.39	44,839.49	34,355.86	38,676.05	27,052.23	35,922.84	36,646.72	27,852.33	404,285.96
Expenses														
Security Personnel		8,245.44	8,232.15	8,235.63	10,779.20	8,166.92	8,233.17	10,238.91	8,237.06	10,302.50	8,241.55	10,299.64	8,252.59	107,464.76
Attendant/Cashier Labor		7,054.35	10,280.84	6,892.87	7,315.74	6,912.77	7,052.06	6,810.78	6,945.10	10,775.85	7,497.33	7,173.01	7,672.92	92,383.82
FP&L		102.79	81.67	98.93	90.60	168.69	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.46
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	125.00	0.00	0.00	0.00	168.87	125.00	1,041.67
Garage Cleaning/Maintenance		1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,557.25	1,532.50	1,763.50	1,540.75	1,540.75	1,532.50	19,101.75
12th St. EXPENSES		17,133.53	20,325.41	16,958.18	19,916.29	16,978.13	17,124.52	18,715.46	16,823.20	22,950.39	17,388.17	19,288.61	17,691.55	221,294.46
12th St. PROFIT/(LOSS)		12,015.28	11,840.61	15,503.17	12,220.58	16,028.26	27,714.97	15,640.38	21,852.85	4,101.84	18,534.67	17,358.11	10,160.78	182,971.50

CITY OF MIAMI BEACH
PARKING DEPARTMENT
12th St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
12th St. Garage-2A														
Revenue-Ticket	480-8000-344504	23,808.61	26,646.02	27,241.35	27,276.87	28,087.39	39,739.49	29,315.86	33,786.05	22,192.23	30,702.84	31,246.72	22,452.33	342,485.96
Revenue-Monthly Permits	480-8000-344593	5,340.00	5,520.00	5,220.00	4,880.00	4,920.00	5,100.00	5,040.00	4,920.00	4,860.00	5,220.00	5,400.00	5,400.00	61,800.00
12th St. REVENUE (Sales Tax Excluded)		29,148.61	32,166.02	32,461.35	32,136.87	33,007.39	44,839.49	34,355.86	38,676.05	27,052.23	35,922.84	36,646.72	27,852.33	404,285.96
Expenses														
Security Personnel		8,245.44	8,232.15	8,235.63	10,779.20	8,166.92	8,233.17	10,233.91	8,237.06	10,302.50	8,241.55	10,299.64	8,252.59	107,454.76
Attendant/Cashier Labor		7,054.55	10,280.84	6,892.87	7,315.74	6,912.77	7,652.06	6,810.78	6,945.10	10,775.85	7,487.33	7,773.01	7,972.92	92,363.62
FP&L		102.79	81.67	98.93	90.60	168.69	106.54	106.54	108.54	108.54	108.54	108.54	108.54	1,302.48
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	0.00	0.00	0.00	0.00	166.67	125.00	1,041.67
Garage Cleaning/Maintenance		1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,557.25	1,532.50	1,765.50	1,540.75	1,540.75	1,532.50	19,101.75
12th St. EXPENSES		17,133.53	20,325.41	16,958.18	19,916.29	16,979.13	17,124.52	18,715.48	16,823.20	22,850.39	17,388.17	19,288.61	17,691.55	221,294.46
12th St. PROFIT/(LOSS)		12,015.28	11,840.61	15,503.17	12,220.58	16,028.26	27,714.97	15,640.38	21,852.85	4,101.84	18,534.67	17,358.11	10,160.78	182,971.50

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LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
12th St. Garage-2A														
Revenue-Ticket	480-8000-344504	19,351.18	20,201.87	24,554.47	26,555.65	27,769.02	43,802.33	28,116.91	29,947.18	25,610.78	29,315.51	29,535.22	20,867.59	325,627.91
Revenue-Monthly Permits	480-8000-344593	8,040.00	6,980.00	8,160.00	8,180.00	5,100.00	5,280.00	5,280.00	5,280.00	5,280.00	5,340.00	5,160.00	4,320.00	72,360.00
12th St. REVENUE (Sales Tax Excluded)		27,391.18	27,161.87	32,714.47	34,715.65	32,869.02	49,082.33	33,396.91	35,227.18	30,890.78	34,655.51	34,695.22	25,187.59	397,987.91
Expenses														
Security Personnel		5,626.00	5,647.95	4,077.36	6,053.88	5,471.53	5,445.92	5,466.54	6,157.30	6,871.50	8,471.54	9,914.88	8,846.72	78,051.12
Attendant/Cashier Labor		6,349.23	6,522.24	7,031.79	7,057.86	6,517.50	6,538.83	6,640.74	7,730.94	6,538.83	7,145.55	6,980.04	6,980.03	82,013.58
FP&L		73.28	86.02	82.31	85.34	77.11	68.73	64.08	56.51	60.30	60.94	49.38	103.95	871.96
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	1,500.00
Garage Cleaning/Maintenance		1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	19,269.00
12th St. EXPENSES		13,779.26	13,988.96	12,922.21	14,927.83	13,796.89	13,784.23	13,902.12	15,675.50	15,201.38	17,408.78	18,675.05	17,643.45	181,705.66
12th St. PROFIT/(LOSS)		13,611.92	13,172.91	19,792.26	19,788.02	19,072.13	35,298.10	19,494.79	19,551.68	15,689.40	17,246.73	16,020.17	7,544.14	216,282.25

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
13th St. Garage
PROFIT & LOSS STATEMENT**

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
13th St. Garage-17A														
Revenue-Ticket	480-8000-344566	48,388.34	47,130.86	40,100.44	50,649.52	53,792.55	66,648.56	57,641.13	0.00	0.00	0.00	0.00	0.00	364,351.40
Revenue-Monthly Permits	480-8000-344527	7,740.00	7,680.00	8,520.00	8,100.00	8,580.00	8,280.00	7,500.00	0.00	0.00	0.00	0.00	0.00	56,400.00
13th St. REVENUE (Sales Tax Excluded)		56,128.34	54,810.86	48,620.44	58,749.52	62,372.55	74,928.56	65,141.13	0.00	0.00	0.00	0.00	0.00	420,751.40
Expenses														
Security Personnel		9,865.08	10,533.80	10,736.25	8,648.94	9,770.00	9,855.68	9,779.19	0.00	0.00	0.00	0.00	0.00	69,188.94
Attendant/Cashier Labor		15,303.89	15,397.71	15,289.80	15,170.25	15,470.86	15,516.07	15,327.27	0.00	0.00	0.00	0.00	0.00	107,455.85
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	0.00	0.00	0.00	0.00	0.00	1,516.69
FP&L		1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	0.00	0.00	0.00	0.00	0.00	9,834.86
Revenue Control Equipment Maintenance		0.00	750.00	750.00	750.00	750.00	750.00	750.00	0.00	0.00	0.00	0.00	0.00	4,500.00
Elevator Maintenance		737.00	312.00	312.00	312.00	312.00	312.00	170.00	0.00	0.00	0.00	0.00	0.00	2,467.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	0.00	0.00	0.00	0.00	0.00	2,940.00
Garage Cleaning/Maintenance		1,450.00	1,450.00	1,483.00	1,450.00	1,450.00	1,483.00	1,318.00	0.00	0.00	0.00	0.00	0.00	10,084.00
13th St. EXPENSES		29,397.62	30,485.16	30,582.70	28,372.84	29,794.51	29,953.40	29,386.11	0.00	0.00	0.00	0.00	0.00	207,987.34
13th St. PROFIT/(LOSS)		26,730.72	24,325.70	18,027.74	30,376.68	32,578.04	44,970.16	35,755.02	0.00	0.00	0.00	0.00	0.00	212,764.06

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
13th St. Garage-17A														
Revenue-Ticket	480-8000-344566	44,400.00	45,402.69	45,391.52	51,063.89	53,442.14	67,925.37	52,972.45	49,388.78	43,317.00	47,741.10	52,219.62	39,794.83	593,059.39
Revenue-Monthly Permits	480-8000-344527	8,280.00	8,640.00	8,100.00	7,320.00	7,380.00	7,620.00	7,860.00	8,520.00	8,580.00	8,280.00	7,800.00	7,800.00	96,180.00
13th St. REVENUE (Sales Tax Excluded)		52,680.00	54,042.69	53,491.52	58,383.89	60,822.14	75,545.37	60,832.45	57,908.78	51,897.00	56,021.10	60,019.62	47,594.83	689,239.39
Expenses														
Security Personnel		10,242.93	10,602.13	10,541.72	13,658.91	10,514.70	10,220.71	12,820.10	10,737.48	12,861.21	10,423.37	13,306.82	10,177.97	136,108.05
Attendant/Cashier Labor		14,601.28	21,909.69	14,624.04	15,326.91	14,675.83	14,744.77	14,598.18	14,460.50	21,779.99	14,556.50	14,996.27	15,185.54	191,459.50
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,150.96	1,172.72	1,276.13	1,245.87	2,179.24	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.78
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	239.00	0.00	30.00	0.00	0.00	269.00
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	0.00	0.00	0.00	312.00	624.00	3,139.50	5,899.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.82
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,450.00	1,598.50	1,450.00	1,450.00	1,483.00	17,812.50
13th St. EXPENSES		28,516.02	36,205.39	28,962.74	32,752.54	29,890.62	28,891.31	31,040.11	29,025.81	38,378.53	28,848.52	32,523.74	32,027.86	377,062.99
13th St. PROFIT/(LOSS)		24,163.98	17,837.30	24,528.78	25,631.35	30,931.52	46,654.06	29,792.34	28,882.97	13,518.47	27,172.58	27,495.88	15,567.17	312,176.40

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
13th St. Garage
PROFIT & LOSS STATEMENT**

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
13th St. Garage-17A Revenue-Ticket	480-8000-344566	44,400.00	45,402.69	45,391.52	51,063.89	53,442.14	67,925.37	52,972.45	49,388.78	43,317.00	47,741.10	52,219.62	39,794.83	583,059.39
	480-8000-344527	8,280.00	8,640.00	8,100.00	7,320.00	7,380.00	7,620.00	7,860.00	8,520.00	8,580.00	8,280.00	7,800.00	7,800.00	96,180.00
Revenue-Monthly Permits		52,680.00	54,042.69	53,491.52	58,383.89	60,822.14	75,545.37	60,832.45	57,908.78	51,897.00	56,021.10	60,019.62	47,594.83	689,239.39
Expenses														
Security Personnel		10,242.93	10,602.13	10,541.72	13,658.91	10,514.70	10,220.71	12,820.10	10,737.48	12,861.21	10,423.37	13,306.82	10,177.97	136,108.05
Attendant/Cashier Labor		14,601.28	21,909.69	14,624.04	15,326.91	14,675.83	14,744.77	14,598.18	14,460.50	21,779.99	14,556.50	14,996.27	15,185.54	191,459.50
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,150.96	1,172.72	1,276.13	1,245.87	2,179.24	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.78
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	239.00	0.00	30.00	0.00	0.00	269.00
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	0.00	0.00	0.00	312.00	624.00	3,139.50	5,899.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,450.00	1,598.50	1,450.00	1,450.00	1,483.00	17,812.50
13th St. EXPENSES		28,516.02	36,205.39	28,962.74	32,762.54	29,890.62	28,891.31	31,040.11	29,025.81	38,378.53	28,848.52	32,523.74	32,027.66	377,062.89
13th St. PROFIT/(LOSS)		24,163.98	17,837.30	24,528.78	25,631.35	30,931.52	46,654.06	29,792.34	28,882.97	13,518.47	27,172.58	27,495.88	15,567.17	312,176.40

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LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
13th St. Garage-17A Revenue-Ticket	480-8000-344566	35,889.53	39,704.67	48,733.70	54,790.14	54,390.32	77,671.33	59,950.29	54,383.08	47,829.10	49,161.20	53,615.90	40,880.78	617,010.04
	480-8000-344527	9,180.00	8,940.00	8,760.00	8,820.00	8,220.00	7,980.00	7,620.00	7,320.00	8,340.00	7,280.00	7,980.00	8,220.00	98,640.00
Revenue-Monthly Permits		45,079.53	48,644.67	57,493.70	63,610.14	62,610.32	85,651.33	67,570.29	61,703.08	56,169.10	56,421.20	61,595.90	48,100.78	715,650.04
Expenses														
Security Personnel		7,142.75	7,108.79	7,166.41	7,119.48	6,997.61	7,147.96	7,195.87	8,245.09	8,637.02	10,823.70	12,883.59	11,049.26	101,517.53
Attendant/Cashier Labor		13,937.21	14,172.20	14,461.81	14,696.96	13,857.82	14,075.59	14,164.58	14,765.85	13,989.64	14,581.81	14,755.44	14,789.82	172,258.53
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,280.63	921.48	1,494.51	1,596.48	1,530.93	1,387.84	1,244.67	1,138.47	1,255.03	1,171.78	1,162.33	1,327.70	15,511.85
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	3,648.00
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	6,206.16
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	17,796.00
13th St. EXPENSES		24,881.44	24,723.32	25,643.58	25,933.77	24,907.21	25,132.24	25,125.97	26,670.26	26,412.54	29,098.14	31,322.21	29,687.43	319,538.11
13th St. PROFIT/(LOSS)		20,198.09	23,921.35	31,850.12	37,767.37	37,703.11	60,519.09	42,444.32	35,032.82	29,766.56	27,323.06	30,273.69	19,413.35	396,111.93

CITY OF MIAMI BEACH
PARKING DEPARTMENT
16th St. - Anchor Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
16th St. - Anchor Garage														
Revenue-Ticket	463-8000-344911	76,425.24	85,206.68	86,298.69	94,582.18	118,038.51	164,273.90	101,423.32	0.00	0.00	0.00	0.00	0.00	726,248.52
Revenue - Valet	463-8000-344587	20,015.89	20,326.63	26,858.41	14,436.45	37,707.01	20,244.86	13,807.94	0.00	0.00	0.00	0.00	0.00	153,397.19
Revenue-Monthly Permits	463-8000-344903	26,750.00	28,200.00	23,050.00	23,550.00	28,100.00	29,494.86	28,300.00	0.00	0.00	0.00	0.00	0.00	187,444.86
16th St. REVENUE (Sales Tax Excluded)		123,191.13	133,733.31	136,207.10	132,568.63	183,845.52	214,013.62	143,531.26	0.00	0.00	0.00	0.00	0.00	1,067,090.57
Expenses														
Security Personnel		12,428.89	10,171.83	13,395.77	13,665.72	9,837.47	13,607.43	13,622.77	0.00	0.00	0.00	0.00	0.00	86,729.88
Attendant/Cashier Labor		15,867.24	16,050.82	15,831.23	16,378.83	16,584.62	17,423.33	16,028.81	0.00	0.00	0.00	0.00	0.00	114,184.68
FP&L		3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	0.00	0.00	0.00	0.00	0.00	26,600.00
Revenue Control Equipment Maintenance		775.00	775.00	775.00	775.00	775.00	775.00	775.00	0.00	0.00	0.00	0.00	0.00	5,425.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	0.00	0.00	0.00	0.00	0.00	2,940.00
Elevator Maintenance		1,278.82	1,743.82	1,550.00	1,015.32	1,015.32	1,015.32	1,015.32	0.00	0.00	0.00	0.00	0.00	7,238.92
Landscape and Lot Maintenance		164.67	152.00	164.67	164.67	164.67	164.67	164.67	0.00	0.00	0.00	0.00	0.00	1,140.02
Garage Cleaning/Maintenance		2,924.40	2,924.00	2,924.00	2,924.00	2,924.00	2,924.00	22,325.40	0.00	0.00	0.00	0.00	0.00	39,869.80
Sanitation (Waste Removal)		171.64	171.64	171.43	181.96	181.96	174.34	171.64	0.00	0.00	0.00	0.00	0.00	1,224.61
Fire Alarm Service		250.00	250.00	250.00	250.00	250.00	250.00	250.00	0.00	0.00	0.00	0.00	0.00	1,750.00
16th St. EXPENSES		38,100.66	36,459.11	37,887.10	39,575.50	35,953.04	40,554.09	58,573.41	0.00	0.00	0.00	0.00	0.00	287,102.91
16th St. PROFIT/(LOSS)		85,090.47	97,274.20	98,320.00	92,993.13	147,892.48	173,459.53	84,957.85	0.00	0.00	0.00	0.00	0.00	779,987.66

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
16th St. - Anchor Garage														
Revenue-Ticket	463-8000-344911	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	41,602.27	78,888.26	78,940.89	60,237.40	259,668.82
Revenue - Valet	463-8000-344587	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,528.04	27,238.32	20,904.67	20,751.40	80,422.43
Revenue-Monthly Permits	463-8000-344903	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	25,400.00	26,250.00	26,300.00	78,050.00
16th St. REVENUE (Sales Tax Excluded)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	53,230.31	131,526.58	126,095.56	107,288.80	418,141.25
Expenses														
Security Personnel		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,645.65	13,912.95	16,779.23	13,115.19	53,453.02
Attendant/Cashier Labor		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,497.82	15,087.01	15,440.52	17,158.12	59,183.47
FP&L		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,850.00	3,800.00	3,800.00	3,800.00	14,250.00
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	775.00	775.00	775.00	975.00	3,300.00
Armed Guard Revenue Pickup		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	517.18	566.67	525.00	420.00	2,028.85
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,542.74	1,561.00	1,542.74	3,103.74
Landscape and Lot Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	450.00	164.67	164.67	164.67	944.01
Garage Cleaning/Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,657.16	2,924.40	3,024.40	2,924.40	10,530.36
Sanitation (Waste Removal)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	131.25	175.00	168.27	168.27	643.23
Fire Alarm Service		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	180.00	430.00	250.00	250.00	1,110.00
16th St. EXPENSES		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	27,704.06	37,835.70	42,488.09	40,518.83	148,546.68
16th St. PROFIT/(LOSS)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25,526.25	93,690.88	83,607.47	66,769.97	269,594.57

CITY OF MIAMI BEACH
PARKING DEPARTMENT
42nd St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 Total
42nd St. Garage-8A														
Revenue-Ticket	480-8000-344531	3,350.48	2,763.56	3,415.88	3,842.04	10,966.37	3,644.84	3,200.92	0.00	0.00	0.00	0.00	0.00	31,184.09
Revenue-Monthly Permits	480-8000-344595	34,620.00	34,980.00	35,760.00	33,780.00	35,040.00	35,100.00	35,100.00	0.00	0.00	0.00	0.00	0.00	244,380.00
42nd St. REVENUE (Sales Tax Excluded)		37,970.48	37,743.56	39,175.88	37,622.04	46,006.37	38,744.84	38,300.92	0.00	0.00	0.00	0.00	0.00	275,564.09
Expenses														
Security Personnel		8,206.59	8,797.59	9,113.55	8,728.04	9,214.77	8,245.44	8,245.44	0.00	0.00	0.00	0.00	0.00	60,551.42
Attendant/Cashier Labor		3,255.18	3,257.79	3,077.53	2,837.18	4,731.24	3,317.88	3,210.77	0.00	0.00	0.00	0.00	0.00	23,637.57
FP&L		1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	0.00	0.00	0.00	0.00	0.00	12,641.72
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		536.00	536.00	536.00	536.00	536.00	536.00	430.00	0.00	0.00	0.00	0.00	0.00	3,646.00
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Garage Cleaning/Maintenance		1,796.50	1,780.00	1,796.50	1,796.50	1,763.50	1,796.50	1,780.00	0.00	0.00	0.00	0.00	0.00	12,509.50
42nd St. EXPENSES		15,600.23	16,177.34	16,329.54	15,703.68	18,051.47	15,701.78	15,472.17	0.00	0.00	0.00	0.00	0.00	113,036.21
42nd St. PROFIT/(LOSS)		22,370.25	21,566.22	22,846.34	21,918.36	27,954.90	23,043.06	22,828.75	0.00	0.00	0.00	0.00	0.00	162,527.88

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
42nd St. Garage-8A														
Revenue-Ticket	480-8000-344531	2,068.55	1,661.97	1,616.89	2,474.77	6,040.17	2,375.90	2,602.80	3,376.85	2,976.64	2,871.04	2,828.05	2,622.43	33,515.86
Revenue-Monthly Permits	480-8000-344595	36,300.00	35,940.00	35,640.00	34,680.00	35,160.00	34,320.00	34,440.00	34,200.00	34,680.00	34,500.00	34,500.00	34,740.00	419,100.00
42nd St. REVENUE (Sales Tax Excluded)		38,368.55	37,601.97	37,256.89	37,154.77	41,200.17	36,695.90	37,042.80	37,576.85	37,656.64	37,371.04	37,328.05	37,362.43	452,615.86
Expenses														
Security Personnel		10,877.14	8,244.21	8,143.74	10,305.96	8,690.43	8,230.10	10,989.83	8,988.60	11,395.97	9,140.34	11,484.72	8,883.48	115,374.54
Attendant/Cashier Labor		2,639.24	3,686.43	2,477.56	2,507.41	3,964.97	2,718.84	2,631.78	2,989.97	4,430.24	2,897.94	3,182.84	3,082.75	37,239.97
FP&L		1,539.31	1,459.55	1,341.18	1,510.98	3,178.78	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,671.52
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	217.50	-217.50	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	536.00	536.00	536.00	536.00	536.00	536.00	3,216.00
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	182.00	0.00	0.00	0.00	182.00
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,796.50	1,796.50	1,760.00	16,938.00
42nd St. EXPENSES		16,340.69	14,686.19	13,247.48	15,609.37	17,139.18	14,038.90	17,466.07	15,388.03	19,635.17	16,176.74	18,806.02	16,088.19	194,622.03
42nd St. PROFIT/(LOSS)		22,027.86	22,916.78	24,009.41	21,545.40	24,060.99	22,656.00	19,576.73	22,188.82	18,021.47	21,194.30	18,522.03	21,274.24	257,993.83

CITY OF MIAMI BEACH
PARKING DEPARTMENT
42nd St. Garage
PROFIT & LOSS STATEMENT

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 Total
42nd St. Garage-8A Revenue-Ticket	480-8000-344531	2,068.55	1,681.97	1,616.89	2,474.77	6,040.17	2,375.90	2,602.80	3,376.65	2,976.64	2,871.04	2,828.05	2,622.43	33,515.86
	480-8000-344595	36,300.00	35,940.00	35,640.00	34,680.00	35,160.00	34,320.00	34,440.00	34,200.00	34,680.00	34,500.00	34,500.00	34,740.00	419,100.00
42nd St. REVENUE (Sales Tax Excluded)		38,368.55	37,601.97	37,256.89	37,154.77	41,200.17	36,695.90	37,042.80	37,576.65	37,656.64	37,371.04	37,328.05	37,362.43	452,615.86
Expenses														
Security Personnel		10,877.14	8,244.21	8,143.74	10,305.98	8,690.43	8,230.10	10,989.83	8,988.60	11,395.97	9,140.34	11,484.72	8,883.48	115,374.54
Attendant/Cashier Labor		2,639.24	3,696.43	2,477.56	2,507.41	3,984.97	2,718.84	2,631.78	2,989.97	4,430.24	2,897.94	3,182.84	3,082.75	37,239.97
FP&L		1,539.31	1,459.55	1,341.18	1,510.98	3,178.78	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,671.52
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	217.50	-217.50	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	536.00	536.00	536.00	536.00	536.00	536.00	3,216.00
Landscaping Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	182.00
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,796.50	1,796.50	1,780.00	16,938.00
42nd St. EXPENSES		16,340.69	14,685.19	13,247.48	15,609.37	17,139.18	14,039.90	17,466.07	15,388.03	19,635.17	15,176.74	18,806.02	16,088.19	194,622.03
42nd St. PROFIT/(LOSS)		22,027.86	22,916.78	24,009.41	21,545.40	24,060.99	22,656.00	19,576.73	22,188.62	18,021.47	21,194.30	18,522.03	21,274.24	257,993.83

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LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 Total
42nd St. Garage-8A Revenue-Ticket	480-8000-344531	1,601.88	1,333.32	1,521.14	1,680.75	12,211.58	1,915.21	2,176.52	3,171.84	1,733.32	2,189.65	2,268.56	1,882.57	33,886.34
	480-8000-344595	21,540.00	19,200.00	19,500.00	18,060.00	16,380.00	17,040.00	18,120.00	17,760.00	18,680.00	18,300.00	36,360.00	35,700.00	256,620.00
42nd St. REVENUE (Sales Tax Excluded)		23,141.88	20,533.32	21,021.14	19,940.75	28,591.58	18,955.21	20,296.52	20,931.84	20,393.32	20,489.65	36,628.56	37,582.57	290,506.34
Expenses														
Security Personnel		5,790.16	8,179.71	7,737.08	7,429.88	7,516.66	7,530.52	7,768.30	7,628.81	9,240.26	11,182.27	13,105.58	12,017.45	105,126.68
Attendant/Cashier Labor		3,050.19	2,474.28	2,320.23	2,242.02	4,680.24	2,737.35	2,471.91	2,628.33	2,479.02	2,381.85	2,526.02	2,522.32	32,513.76
FP&L		1,471.76	1,480.00	744.79	1,423.20	1,433.94	1,850.98	1,647.89	1,650.88	1,629.72	1,358.53	1,358.53	1,597.13	17,944.47
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	15,420.00
42nd St. EXPENSES		11,597.11	13,418.99	12,087.10	12,380.10	14,915.84	13,403.85	13,173.10	13,198.02	14,654.93	16,478.84	18,275.13	17,421.90	171,004.91
42nd St. PROFIT/(LOSS)		11,544.77	7,114.33	8,934.04	7,560.65	13,675.74	5,551.36	7,123.42	7,733.82	5,738.39	4,010.81	20,353.43	20,160.67	119,501.43

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 9, 2004

From: Jorge M. Gonzalez
City Manager

**Subject: STATUS REPORT ON THE REHABILITATION OF THE EXISTING
BUILDING AND CONSTRUCTION OF THE NEW FIRE STATION NO. 2.**

The improvements being made to Fire Station No. 2 include full historic renovation of the existing facility, and construction of an additional facility that will include three apparatus bays and living quarters for the fire crews.

The water tanks and related pump station were added to the Jasco Construction Company (Jasco) Construction Manager at Risk Contract. STA Architectural Group (STA) is the architect/engineer (A/E) for the Fire Station components and Camp Dresser & McKee (CDM) is the A/E for the water tanks/pump station components.

Construction on the Water Tanks and Pump Station Project began on June 9, 2003. Jasco has made good progress on the installation and is currently approximately 90% complete, and within schedule. The completion of this portion of the Project is expected in June of 2004. In anticipation of the next phase of the project, Jasco has begun work on drilling the drainage wells that will be used to dispose of excess Stormwater from the Fire Station and the Public Works Yard area.

On November 25, 2003, Jasco presented to the City the final proposal for GMP for the Fire Station portion of the project, which includes the construction of a new fire station, including an Emergency Operations Center (EOC), and renovation of the existing building for use as administrative offices, and needed modifications to the site drainage, as planned. On December 10, 2003, the Mayor and City Commission approved the Guaranteed Maximum Price, in the amount of \$8,096,580, awarded a contract to Jasco, and appropriated the additional funding necessary to complete the Project. Currently the Administration and the City Attorney's Office are continuing to work with the attorney for Jasco to finalize the Contract for the Fire Station portion of the project.

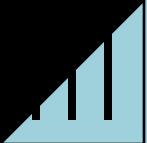
The construction of the new Fire Station is to begin immediately after the substantial completion of the Water Tanks and Pump Station Project in the summer of 2004. Construction of the new Fire Station is expected to require 15 months, following which, the renovation of the historic building will require an estimated 10 additional months.

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Agenda Item C

Date 6-9-04



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CITY OF MIAMI BEACH

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www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 9, 2004

From: Jorge M. Gonzalez
City Manager

Subject: STATUS REPORT ON FIRE STATION NO. 4 PROJECT

Past Events

The City Commission, on July 2, 2003, issued a directive to the Administration to pursue the Certificate of Appropriateness for Demolition of the existing building. The Historic Preservation Board (HPB) approved a motion to recommend to the City Commission that the building be demolished. The HPB also approved a motion authorizing the revisions to the previously approved new building, and added some requirements with regard to landscaping, breeze block, monument, and curb/swale/sidewalk configuration. On October 15, 2003, the City Commission held a public hearing and voted to approve a Certificate of Appropriateness for the demolition of the fire station.

It is important to note that the additional requirements added by the HPB and other regulatory agencies are estimated to total approximately \$500,000 and are currently unfunded. If the estimates are correct when we get to the formal pricing stage and the elements are determined necessary, then additional funds will need to be identified in order to fully fund the construction of the project.

The Consultant has developed and submitted drawings for the full demolition of the existing fire station. Carivon Construction, Inc. (Carivon) was selected through the Job Order Contracting (JOC) Program to demolish the existing building. The drawings reflecting the scope for the demolition of the existing fire station have been approved. However, due to the ordinance requirements regarding demolition of structures within historic sites, a demolition permit cannot be issued, and the City cannot demolish the existing Fire Station building, until a building permit on the new Fire Station is issued.

Status Update

After receiving approval from the Miami-Dade County DERM on April 9, 2004, the Consultant has submitted the plans for the new Fire Station to the City's Building Department to complete their review. Pursuant to the Planning Department's recent request, the plans have been revised to include the site master plan, of which only the landscaping portion contained within the property lines will be implemented at this point.

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The Building Department also required that the re-striping of the parking lot and corresponding pedestrian connector to the seawall promenade be implemented in compliance with the ADA requirements. The other elements shown on the master plan, such as, the 69th Street street-end, the circular drive around the existing pump station, and the installation of the proposed monument are included for reference only, due to budget constraints. As a result of the regulatory issues, demolition is now estimated to begin in mid-June 2004, but this date is dependent upon the Building Department review process noted above for the issuance of both the demolition and construction permits.

The seawall restoration at the Fire Station No. 4 site is also being added to the project. On April 14, 2004, the City's Public Works Department confirmed sufficient funding for the costs of the seawall restoration and associated repair scope of work. This portion of the project is being funded by the Shoreline and Seawall Rehabilitation Program portion of the General Obligation Bond.

The Designer, Coastal Planning Engineers, has prepared the construction drawings for the seawall restoration and completed the permitting process through both Miami-Dade County DERM and the City's Building Department. In addition, the Designer has submitted the plans to the City's Procurement Department so as to include the scope in the bid documents for construction under the same contract, which provides greater efficiency.

At this time, the CIP Office is working with Carivon to price the construction of the new Fire Station building and seawall restoration scope through the JOC process. It is anticipated that construction will commence prior to Fall 2004, after the demolition of the existing building.


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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 09, 2004

From: Jorge M. Gonzalez
City Manager


**Subject: INFORMATIONAL REPORT TO THE MAYOR AND CITY COMMISSION,
ON FEDERAL, STATE, MIAMI-DADE COUNTY, AND ALL EXISTING CITY
CONTRACTS FOR RENEWAL OR EXTENSIONS IN THE NEXT 180 DAYS.**

The City Commission adopted Resolution No. 2000-24141, which provided that all existing city contracts for renewal or extensions, which by their terms or pursuant to change orders exceed \$10,000, and all extensions or renewals of such contracts, shall be presented as an informational report to the Mayor and City Commission, at least 180 days prior to the contract extension or renewal date. Subsequent thereto, the City Commission adopted Resolution No. 2001-24332, changing the reporting requirement from \$10,000 to \$25,000.

The administration in addition to reporting on all existing City contracts, will now report information relative to Miami-Dade County, State of Florida and Federal GSA contracts that are approved for utilization by the City Manager. Pursuant to information contained in Miami-Dade County, State of Florida and Federal General Services Administration (GSA) bid list, the following are contracts that will expire within the next 180 days:

	DESCRIPTION	VENDOR	EXPIRATION DATE	RENEWAL TERMS
1.	AUTOMOTIVE TRUCK PARTS & ACCESSORIES	PAPCO Auto Parts South, Inc	11/30/2004	May be extended for additional three (1) year period
2.	AUTOMOTIVE TRUCK PARTS & ACCESSORIES	Grainger	11/30/2004	May be extended for additional three (1) year period
3.	AUTOMOTIVE TRUCK PARTS & ACCESSORIES	Tropical International	11/30/2004	May be extended for additional three (1) year period
4.	AUTOMOTIVE TRUCK PARTS & ACCESSORIES	NAPA AUTO PART	11/30/2004	May be extended for additional three (1) year period

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5.	AUTOMOTIVE TRUCK PARTS & ACCESSORIES	POWER BRAKE EXCHANGE, INC.	11/30/2004	May be extended for additional three (1) year period
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